

MARION TOWNSHIP
BOARD OF TRUSTEES
REGULAR MEETING
Thursday, June 12, 2025
7:30pm

THIS MEETING WILL BE HELD IN PERSON WITH ONLINE PARTICIPATION OPTIONS

Call to Order

Pledge of Allegiance

Members Present/Members Absent

Call to the Public

- 1) Approval of the Agenda
- 2) Consent Agenda
 - a. May 22, 2025 Regular Meeting Minutes
 - b. May 21, 2025 MHOG Agenda/Minutes
 - c. May 20, 2025 HAPRA Agenda/Minutes
 - d. May 2025 Sheriff Report
 - e. DPW Report
 - f. Financial Report
 - g. Zoning Report
 - e. MTA Annual Dues (\$7,764.14)
- 3) Applied Imagining Presentation for Consideration of IT Services in Lieu of VC3
- 4) Property Tax Admin Fee Resolution
- 5) Zoning Ordinance Moratorium
- 6) Zoning Report/Zoning Board of Appeal's Resolution for Meadows North Appeal
- 7) Budget to Actual Review

Correspondence and Updates

Assessing Audit Report

Pandos Public Hearing

Motorsports Gateway Updates

Genoa Township Master and Recreation Plan Updates

Crown Castle Update

Call to the Public

Adjournment

****Next Board Packet will be ready after 3 pm on Thursday, June 19, 2025.**

CALL TO THE PUBLIC POLICY - ADOPTED ON 08/25/2022

Marion Township Public Participation at Township Board Meetings Policy

The Public shall be given an opportunity to be heard at every Township Board Meeting following this Policy adopted by the Township Board.

The Township Supervisor is the moderator of the meeting. In the absence of the Supervisor, the Township Clerk shall hold an election of the Board Members present to select a moderator for the meeting.

Anyone attending the meeting either in-person or on-line may speak during the "Call to the Public" part of the meeting. To preserve order, those attending in-person will speak first. When all in-person attendees have been heard, the moderator will ask if any on-line attendee wishes to speak.

When recognized by the moderator, in-person attendees shall come to the podium. The moderator will request that they give their name and address before they begin their comments.

When all in-person attendees have finished speaking, the moderator will ask if anyone attending the meeting on-line wishes to speak. On-line attendees may unmute themselves and when recognized by the moderator may speak. On-line attendees will also be asked for their name and address.

All comments shall be addressed to the Township Board. The "Call to the Public" is for attendees to provide information or opinions to the Township Board and is not intended to be a dialog. Anyone needing a response should contact officials or staff during working hours.

To preserve efficiency, speakers will be asked to keep their comments to five minutes or less.

On some occasions, attendees may be asked for comments during agenda items.

**MARION TOWNSHIP
BOARD OF TRUSTEES
REGULAR MEETING
MAY 22, 2025**

MEMBERS PRESENT: Scott Lloyd, Dan Lowe, Les Andersen, Tammy Beal, Jim Witkowski,
Sandy Donovan, and Bill Fenton

MEMBERS ABSENT: None

CALL TO ORDER

Bill Fenton called the meeting to order at 7:30 pm. The meeting is also available to attend online.

PLEDGE OF ALLEGIANCE

BOARD MEMBERS PRESENT

The board members introduced themselves.

CALL TO THE PUBLIC

No response.

APPROVAL OF AGENDA

Les Andersen motioned to approve the agenda. Scott Lloyd seconded. **Motion carried.**

CONSENT AGENDA

Tammy Beal motioned to approve the consent agenda. Sandy Donovan seconded. **Motion carried.**

EMPLOYEE HANDBOOK UPDATES

Tammy Beal summarized the changes to the handbook regarding paid time off, payroll procedures for appointed board and commissions, and a clarification to employee's years worked to reflect how PTO is accrued.

Les Andersen motioned to approve the Employee Handbook updates as presented. Scott Lloyd seconded. **Motion carried.**

Tammy Beal said everyone will get an updated copy along with a signature page.

ASSISTANT ASSESSOR

Bill Fenton said that two applicants who met the criteria of the position were received. One candidate finished Level 1 within the last six months, and the other candidate will complete Level 2 on June 9. Summer McMullen has tax experience and some field work experience. Les Andersen asked if the assessor was involved in interviewing Summer; Bill Fenton said yes. Dan Lowe asked why the assessor wasn't there to provide his input. Tammy Beal said he just had a baby. Dan Lowe said there is no information on either candidate for the board members to review. Bill Fenton said resumes shouldn't be put out for the public. Dan Lowe said there should be a special meeting. Bill Fenton said the resumes could be reviewed at a special meeting. Sandy Donovan asked the board members if they wanted to take time to review the resumes at this meeting.

After review, Dan Lowe asked what the assessor's opinion was of the two; Bill Fenton said the assessor was okay with either one. Dan Lowe asked if either one had experience; Bill Fenton said neither one has worked in a township.

Dan Lowe motioned to hire Kendall Sobolewski as the assistant assessor. Motion failed due to lack of second.

Sandy Donovan motioned to hire Summer McMullen at \$29 per hour starting June 10. Tammy Beal seconded. Roll call vote: Lowe—no; Beal—yes; Witkowski—yes; Donovan—yes; Andersen—yes; Lloyd—yes; Fenton—no. **Motion carried 5-2.**

CORRESPONDENCE & UPDATES

Bill Fenton updated the board members on the Smith case. A motion to dismiss was filed due to lack of response; it's scheduled for the end of June/early July.

Representatives from Hometown Village met with the supervisor and zoning administrator regarding the township's property not being taken care of. They would like to see it farmed again. Les Andersen suggested talking with Kathy Esper. Bob Hanvey and/or Bill Fenton will contact her.

A mud bog is scheduled for June 7.

Les Andersen gave Bill Fenton an article about data centers to share with the Planning Commission.

Dan Lowe said that Francis Road is a slimy mess Les Andersen said with the rain, it's like that everywhere. Dan Lowe said they used 23A and the constant chloride treatments make it messy. Les asked if some natural stone should be blended in. Scott Lloyd said he likes that idea, but to be cautious of the manholes. Bill Fenton will contact the LCRC on Tuesday.

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Les Andersen motioned to adjourn at 7:53 pm. Scott Lloyd seconded. **Motion carried.**

Submitted by: S. Longstreet

Tammy L. Beal, Township Clerk Date

William Fenton, Township Supervisor Date



AGENDA
MHOG Sewer and Water Authority
Regular Meeting
May 21st, 2025
5:00 PM

- 1. Call to Order***
- 2. Approval of Agenda**
- 3. Approval of Minutes of the April 16th, 2025 Meeting**
- 4. Call to the Public**
- 5. System Improvement, Operation, and Maintenance Report**
 - Capital Improvement – Transmission Mains
 - Attachment 5a – Status Report Prepared by Tetra Tech
 - Attachment 5b – Map Showing Progress of Water Main Installation
 - Attachment 5c – E-mail Correspondence from Ann Arbor Spark on MEDC Approval of Grant Funds
 - Attachment 5d – Grant Reimbursement Report and Financial Summary for 2nd Disbursement Request
 - Attachment 5e – Progress Photographs
 - New Development
 - Attachment 5f- New Development Summary for April 2025
 - Attachment 5g – Legacy Apartment Water Breaks
 - Attachment 5h – Grand River Plaza Water Break
 - Attachment 5i – Plan sheets for original and development for area impacted
 - Attachment 5j – New Language to Include on Plans
 - Meter Reading Issues
 - Attachment 5k – Quote for Register Heads for Omni Meters
 - Attachment 5l – Tower Based Meter Reading Propagation Study
 - New Backflow and Cross Connection Contract
 - Attachment 5m – Renewal Service Agreement with Hydrocorp, Inc.
Request approval of Hydrocorp Renewal Agreement for Annual Backflow Inspection Cost of \$20,187 for Year 1, \$20,994 for Year 2, and 21,834 for Year 3, noting current cost is \$20,349.
 - Out of Service Area Connection Request Due to Environmental Contamination
 - Attachment 5n – Letter from EGLE to Stantec Regarding Request to Complete Municipal Water Connections for Properties Impacted by Chlorinated Solvents from 2280 Grand River
 - Attachment 5o – Map of Location for Properties Affected TCE Plume
Request approval of Connection of MHOG Water to 2339 and 2225 W. Grand River Pending Howell City Approval and Development of a Water Service Agreement.



AGENDA
MHOG Sewer and Water Authority
Regular Meeting
May 21st, 2025
5:00 PM

6. Deputy Director Report

- Attachment 6a - MHOG Water Treatment Plant Monthly Production
- Attachment 6b – MHOG Winter / Spring Daily Production
- Attachment 6c – MHOG Monthly Production by Pressure District
- Attachment 6di – Capital Cost Estimate for Regional Lime Calciner
- Attachment 6dii – Build versus No. Build Evaluation of Costs for Regional Lime Calciner
- Attachment 6e – Quote for Jet Pump for Two 3-inch Pressure Reducing Valves
Request approval of Quote from Jet Pump for purchase of Two Water Supply 3-inch Pressure Reducing Valves for a not to exceed amount of \$9,200.
- Attachment 6f – Abandoned Well Search Mailer
- Attachment 6g – Monthly Miss Dig Log
- Attachment 6h – April 2025 Non-Metered Water Loss

7. CPA Report*

8. Treasurer's Report *

- Checks for Disbursement (*Distributed at Meeting*)

9. Correspondence *

10. New Business

- Attachment 10a – DPW Operations Evaluation for Next Contract Term Beginning April 1, 2025 – Discussion

11. Old Business*

12. Board Member Updates*

13. Adjournment

**= Nothing Included in Board Packet*



Minutes of the Regular Meeting April 16, 2025

The M.H.O.G. Sewer and Water Authority met at 5 pm in the Ocala Township Hall. Members present were Fenton, Lowe, Coddington, Counts, Dunleavy, Henshaw, Spicher and Hunt. Also present were Greg Tatara, Alex Chimpouras, and Shelby Byrne.

Counts moved to approve the agenda. Second by Dunleavy, motion passes.

Hunt moved to approve the minutes of the March 19 meeting. Second by Fenton, motion passes.

A call to the public was held, no response.

Dunleavy moved to approve quote 000520 from Secure Tech to install electronic door locks at the MHOG Water Plant for \$5,510.09. Second by Counts, motion passes.

Dunleavy moved to approve MHOG Operating checks PR 1024 through 10211 and 10225 & 10226 totaling \$188,716.30. Second by Spicher, motion passes.

Counts moved to approve MHOG Capital Reserve Replacement Fund Check 1039 to DeAngelo for \$19,890.78. Second by Spicher, motion passes.

Fenton moved to approve MHOG Construction Fund checks 1001, 1002, & 1003 totaling \$30,916.99. Second by Spicher, motion passes.

Counts moved to approve MHOG Capital Reserve Improvement Fund Check to Bobcat of Lansing for \$14,173.24. Second by Fenton, motion passes.

Fenton moved to adjourn. Second by Spicher, motion passes.

Robert J. Henshaw
Secretary

HOWELL recreation

Howell Area Parks & Recreation Authority
Regular Meeting
Oceola Community Center
Tuesday, May 20, 2025, 6:30 p.m.

Call to order

Pledge of Allegiance (all stand)

Call to the Public (for any items not on the agenda)

Approval- Consent Agenda

1. Regular Board Meeting Minutes dated Tuesday, April 15, 2025
2. Check Register Report Ending April 30 ,2025
3. Bank Statements Ending April 30, 2025
4. Financial Reports Ending April 30, 2025

Approval- Regular Agenda

5. Discussion- Parental and Leave Policy
6. Discussion- Board Involvement with Events and Festivals
7. Events and Programs Report
 - a. Upcoming events & programs
 - b. Sponsorship & marketing updates
 - c. Seasonal Program Guide Distribution
8. Maintenance Report
9. Directors Report
 - a. Pickleball Court Communication
 - b. Committee for Bennett Project
10. Board Member Reports
 - i. City of Howell Board Rep:
 - ii. Oceola Township Board Rep:
 - iii. Marion Township Board Rep:
 - iv. Genoa Township Board Rep:
 - v. Howell Township Board Rep:
11. Old Business
12. New Business
13. Next Meeting: June 17, 2025 @ 6:30pm Oceola Community Center

14. Adjournment

HOWELL recreation

Regular Board Meeting Minutes April 15, 2025

Call to Order

Sean Dunleavy Chair called the meeting to order at 6:30pm.

Pledge of Allegiance

Attendance:

Board members: Sean Dunleavy Chair, Candie Hovarter Secretary, Tammy Beal Treasurer,
Sue Daus Trustee

Staff: Director Tim Church, Kyle Tokan, Jordan Hilbrecht, Kevin Troshak, Jen Savage, Jen Baca

Public: Terry Philbeck

Approval of Consent Agenda

Approval of Regular Agenda

Discussion/Approval

New Deputy Director Jen Baca introduced herself as a Marion Township resident that lives in Howell.

A motion was made by Tammy Beal to approve the HAPRA Audit and seconded by Sue Daus, Motion carried 4-0.

A motion to approve the Financial Policy as presented that Deputy Director Jen Baca may approve any items over \$5000 if Deputy Director Tim Church is out motioned by Tammy Beal and seconded by Candie Hovarter. Motion carried 4-0.

A motion to approve 2025 First Quarter Budget Amendments was motioned by Tammy Beal and seconded by Sue Daus. Motioned carried 4-0.

A motion to approve the Howell Melon Festival Civic Event Application was made by Candie Hovarter and seconded by Tammy Beal. Motion carried 4-0.

A motion to approve the Melon Festival Liquor License was made by Tammy Beal and seconded by Sue Daus. Roll call vote: Candie Hovarter, Sue Daus, Tammy Beal, Sean Dunleavy, motion approved.

A motion to approve the Bid Policy for purchasing ~~that includes insurance, ethics, conflict of interest, training and preferred local vendors~~ was made by Sue Daus and seconded by Tammy Beal. Motion carried 4-0.

A motion to approve the Personal Time Off Policy made by Sue Daus and seconded by Tammy Beal. Motion carried 4-0.

A motion to table the ~~Personal Time Off Policy~~, Parental Leave Policy, and Leave Policy until the next meeting for further discussion was made by Candie Hovarter and seconded by Tammy Beal. Motion carried 4-0.

A motion to approve the Collaborative Network Coaching Agreement was made by Sean Dunleavy and seconded by Tammy Beal. Motion carried 4-0.

The Flashlight Egg Hunt was a ~~bug~~ big success, 100 teens participated, and many great prizes were handed out. The hiring and returning of counselors for the upcoming season is going well according to Kevin Troshak.

Jen Baca and Tim Church are doing facilities supervisor interviews.

There are currently 750 soccer players registered and 250 on the wait list.

The Howell Bigby had another free coffee day for HAPRA at their location and Jen Baca, Jordan Hilbrecht and Tim Church attended the event.

The Seasonal Guide Program is available on the website.

The Senior Center newsletters have been printed and ~~were~~ are paid for by advertisers.

The Maintenance Report by Kyle Tokan includes the fire alarm test went well. The concrete and wood floors will be redone in August during the shutdown. April 22 is the Earth Day Clean-up, and kids will help. The Bennett Center waterline was replaced. The March 30, 2025 storm didn't damage the properties except for slight roof repair needed at the Bennett Center. The boiler testing at the Bennett Center went well. Some of the ~~milage~~ millage money will be used to fix the fence at the dog park. The Oceola and Marion Township's maintenance agreements were approved. The Genoa Township trash-pickup and maintenance agreement was approved.

Mike Luce from the Hartland teen center, HERO Teen Center, asked for help from ~~Tim Church~~ Kevin Troshak to consider staffing a management agreement to oversee staff at the center and offered a proposal to help run it. The idea is being considered.

The Board Orientation Packet is being finalized by Tim Church. It will be scanned and emailed soon.

The Page Field and Bennett Center agreements are coming and should be extended. The Genoa Soccer lease has language about parking issues and includes a \$500 fine for parking violations.

The Bennett Project includes new windows and doors that are safety conscious. There is a need for energy efficient windows, doors, ~~new~~ The flooring and lights were previously completed. AN engineer needs to sign-off per licensing and the engineer will look at the building for previous concerns with movement. Bids are needed to redo the tennis courts. Dr., Daniels is looking into a grant from USTA. The basketball court also needs work. Tim Church is going to email township supervisors and city managers to see if they have space for outdoor pickleball courts.

The Disability Network is ~~signing~~ celebrating the ADA Act on July 10, 2025 at Oceola Community Center. Great Lakes products will have a presentation from 9-11am.

Howell Township is considering adding offices and replacing the carpet in the building. Genoa Township, Candie Hovarter knew about the meeting with HAPRA.

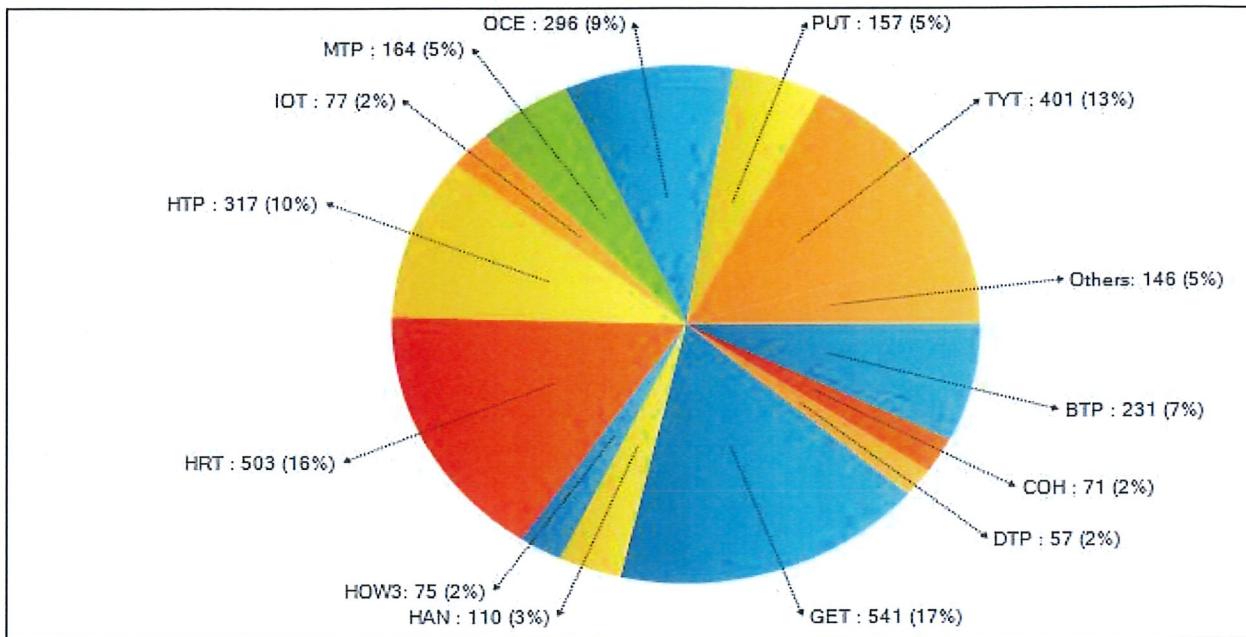
Marion Township is building four pickleball courts on Triangle Lake Road and is using Spicer Engineering.

Oceola is housing some of Jordan Hilbrecht's items she needs for events at the Oceola Township building. The barn is going to be demolished for new bathrooms. ~~Two~~ Two more soccer fields and a parking lot are going to be added along with a barn for storage. Four pickleball courts will be added eventually.

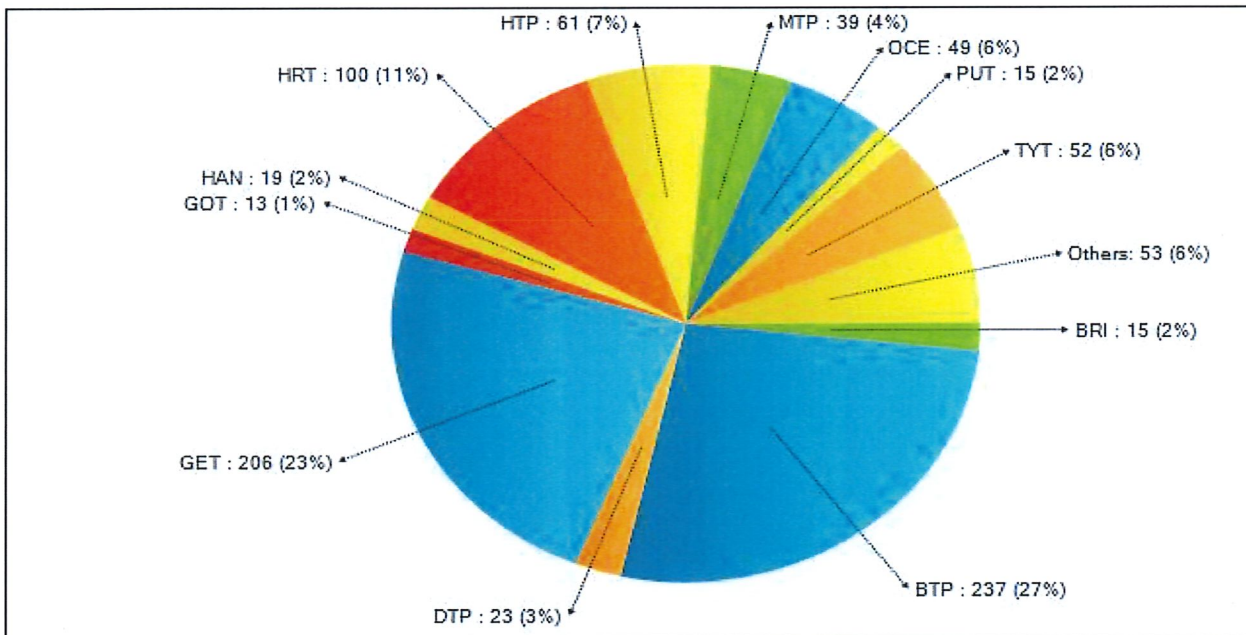
A motion to adjourn was made by Sue Daus and seconded by Tammy Beal. Motion carried 4-0. 8:38pm.

Submitted by: Candie Hovarter

LIVINGSTON COUNTY SHERIFF'S OFFICE MAY 2025 CALLS FOR SERVICE



MICHIGAN STATE POLICE MAY 2025 CALLS FOR SERVICE



MARION TOWNSHIP

<u>MONTH</u>	<u>CALLS FOR SERVICE</u>	<u>TICKETS WRITTEN</u>	<u>ARRESTS</u>
JANUARY	105	21	1
FEBRUARY	84	10	3
MARCH	91	11	3
APRIL	71	29	2
MAY	108	24	3
JUNE			
JULY			
AUGUST			
SEPTEMBER			
OCTOBER			
NOVEMBER			
DECEMBER			
YTD TOTALS:	459	95	12

LIVINGSTON COUNTY SHERIFF'S OFFICE

MARION TOWNSHIP MAY 2025

Nature	# Events
911 HANG UP	1
ALARM	1
ANIMAL COMPLAINT	12
ASSAULT REPORT ONLY	1
ASSIST EMS	1
ASSIST OTHER AGENCY	1
BE REPORT ONLY	2
CITIZEN ASSIST	10
CIVIL COMPLAINT	1
DOMES REPORT ONLY	1
DOMESTIC PHYSICAL IN PROGRESS	2
DOMESTIC VERBAL	3
FOLLOW UP	2
FRAUD	3
HAZARD	7
INFO- GENERAL	1
INTIMIDATION THREATS HARASSMEN	5
JUVENILE COMPLAINT	1
MENTAL/CMH/PSYCH	1
MISSING PERSON/RUN-A-WAY	1
MOTORIST ASSIST	1
PATROL INFORMATION	1
PDA	13
PERSONAL INJURY ACCIDENT	1
PPO VIOLATION	1
PUBLIC SERVICE	1
SHOTS FIRED	2
SOLICITOR COMPLAINT	1
SUICIDAL SUBJECT	3
SUSPICIOUS SITUATION	7
SUSPICIOUS VEHICLE	2
TRESSPASSING, LOITERING	2
TRF COMPLAINT/ROAD HAZARDS	1
UNKNOWN MEDICAL PROBLEM	1
VEH UDAA REPORT	1
WELFARE CHECK	13
TOTAL:	108

<u>TOWNSHIP</u>	<u>NUMBER OF CALLS 3:00PM - 11:00PM</u>	<u>RESPONSE TIME CONTRACT TIME 3:00PM - 11:00PM</u>	<u>NUMBER OF CALLS 11:00PM - 3:00PM</u>	<u>RESPONSE TIME NON CONTRACT TIME 11:00PM - 3:00PM</u>	<u>TOTAL</u>
BRIGHTON	69	35:56	79	33:30	148
COHOCTAH	15	20:50	16	1:01:28	31
CONWAY	10	50:04	12	1:37:48	22
DEERFIELD	14	29:01	26	38:36	40
GENOA	132	38:21	165	36:31	297
HANDY	35	34:58	53	35:43	88
HARTLAND	97	31:48	168	24:52	265
HOWELL	68	34:56	99	32:26	167
IOSCO	12	41:25	20	34:35	32
MARION	40	48:37	68	31:34	108
OCEOLA	46	30:39	75	27:41	121
PUTNAM	29	17:56	32	28:04	61
TYRONE	89	22:03	62	53:41	151

DPW Reports 2025

[illegible]

GENERAL FUND CHECKING

Previous Balance	\$	2,279,241.04
Receipts	\$	264,162.39
Interest	\$	2,733.40
	\$	<u>2,546,136.83</u>
Expenditures	\$	166,632.21
Balance	\$	<u>2,379,504.62</u>

CEMETERY FUND

Previous Balance	\$	83,238.39
Receipts		
Interest	\$	61.45
	\$	<u>83,299.84</u>
Expenditures	\$	1,290.00
Balance	\$	<u>82,009.84</u>

PARKS & RECREATION FUND

Previous Balance	\$	3,224.59
Receipts	\$	60,011.00
Interest	\$	44.68
	\$	<u>63,280.27</u>
Expenditures	\$	7,402.28
Balance	\$	<u>55,877.99</u>

WATER - NEW USER

Previous Balance	\$	441,382.94
Receipts	\$	11,601.00
Interest	\$	489.42
	\$	<u>453,473.36</u>
Expenditures		
Balance	\$	<u>453,473.36</u>

SEWER OPERATING & MANAGEMT

Previous Balance	\$	388,892.78
Receipts	\$	72,389.88
Interest	\$	406.51
		<hr/>
	\$	461,689.17
Expenditures	\$	39,903.44
		<hr/>
Balance	\$	421,785.73

SEWER - NEW USER

Previous Balance	\$	2,062,544.63
Receipts	\$	27,750.00
Interest	\$	2,430.99
		<hr/>
	\$	2,092,725.62
Expenditures	\$	225,455.95
		<hr/>
Balance	\$	1,867,269.67

SPEC ASSESS. FUND

Previous Balance	\$	316,611.10
Receipts	\$	3,440.49
Interest	\$	323.04
		<hr/>
	\$	320,374.63
Expenditures	\$	540.00
		<hr/>
Balance	\$	319,834.63

ESCROW FUND

Previous Balance	\$	36,382.23
Receipts	\$	4,073.75
Interest	\$	28.24
		<hr/>
	\$	40,484.22
Expenditures	\$	472.00
		<hr/>
Balance	\$	40,012.22

SUMMARY TOTALS

General Fund	\$	2,379,504.62
Cemetery Fund	\$	82,009.84
Parks & Rec Capital Chk	\$	55,877.99
Water - New User	\$	453,473.36
Sewer Operating & Mana	\$	421,785.73
Sewer - New User	\$	1,867,269.67
Special Assess. Fund	\$	319,834.63
Escrow Fund	\$	40,012.22
		<hr/>
TOTAL	\$	5,619,768.06

#101 General Fund Transactions by Account

		As of May 31, 2025	
Date	Num	Name	Amount
001-001 · CASH - GENERAL - FNB			
05/01/2025	13395	CCS Presentation System	-300.00
05/01/2025	13396	Blue Cross Blue Shield of Michigan	-17,910.62
05/01/2025	13397	ShredCorp	-900.00
05/01/2025	13398	PNC Bank	-3,144.27
05/01/2025	13399	MARION TOWNSHIP PARKS & RECREATI	-60,000.00
05/05/2025	13400	Tammy Beal	-316.50
05/05/2025	13401	Bruce Powelson	-16.80
05/05/2025	13402	Jessica Timberlake	-50.65
05/05/2025	13403	AMAZON CAPITAL SERVICES	-279.65
05/05/2025	13407	FOWLerville NEWS & VIEWS	-300.00
05/05/2025	13409	SANDRA DONOVAN	-180.00
05/05/2025	13408	VOID	0.00
05/07/2025	13410	CITI CARDS	-1,672.14
05/07/2025	13411	VERIZON WIRELESS	-102.57
05/07/2025	13412	DTE ENERGY	-613.92
05/07/2025	13413	THE GARBAGE MAN	-60.34
05/07/2025	13414	Marion Township Escrow Fund	-1,430.00
05/08/2025	13404	ALERUS PAYMENT SOLUTIONS / MERS	-5,157.62
05/08/2025	13405	VOYA Institutional Trust	-300.00
05/08/2025	13406	Marion Township Flex Fund	-1,305.00
05/08/2025	207896	LESLIE D. ANDERSEN	-247.20
05/08/2025	207897	SCOTT R. LLOYD	-63.36
05/08/2025	207898	JAMES WITKOWSKI	-15.45
05/08/2025	V261547	TAMMY L. BEAL	-4,189.14
05/08/2025	V261548	GAIL A. BURLINGAME	-3,649.16
05/08/2025	V261549	MATTHEW J. DEDES	-4,297.97
05/08/2025	V261550	SANDY DONOVAN	-4,376.81
05/08/2025	V261551	BILL FENTON	-4,816.86
05/08/2025	V261552	ROBERT W. HANVEY	-2,095.80
05/08/2025	V261553	RICHARD HASLOCK	-577.05
05/08/2025	V261554	LOREEN B. JUDSON	-5,294.40
05/08/2025	V261555	SANDRA J. LONGSTREET	-3,094.85
05/08/2025	V261556	DANIEL F. LOWE	-497.51
05/08/2025	V261557	KITSEY A. RENNELLS	-2,832.66
05/08/2025	V261558	JESSICA S. TIMBERLAKE	-2,868.70
05/13/2025	13415	Culligan of Ann Arbor	-26.97
05/13/2025	13416	RICH GORSKI	-3,683.00
05/13/2025	13417	Charter Communications	-191.74
05/13/2025	13418	GORMLEY LAW OFFICE PLC	-2,367.46
05/14/2025	13419	Hart InterCivic	-3,304.00
05/22/2025	13420	Foster, Swift, Collins & Smith, P.C.	-55.56
05/22/2025	13421	LIV CO CLERKS ASSOC	-100.00
05/27/2025	13422	SHELBY DWYER	-492.30
05/27/2025	13423	CONSUMERS ENERGY	-95.47

#101 General Fund
Transactions by Account

As of May 31, 2025			
Date	Num	Name	Amount
05/27/2025	13424	Blue Cross Blue Shield of Michigan	-17,910.62
05/27/2025	13425	B&L Services	-940.00
05/29/2025	13426	PNC Bank	-730.77
05/29/2025	13427	ALLSTAR ALARM	-611.52
05/29/2025	13428	Foster, Swift, Collins & Smith, P.C.	-222.30
05/29/2025	13429	CYNTHIA EADES	-150.00
05/29/2025	13430	JENNIFER GONZALEZ	-150.00

2025 ZONING REPORT

	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL
Homes	1		5	4	6								16
Condo Units			14										14
Accessory Bldgs.			3										3
Decks			2	1	7								10
Pools				2	1								3
Additions			1	2									3
Land Balancing				1									1
Other			1										1
TOTAL LAND USES	1	0	26	10	14	0	0	0	0	0	0	0	51
Waivers	7	5	5	9	7								33
Finals	4	2	11	3	16								36
Site Plans													0
Pre-Planning Meetings													0
Sewer Inspections	2		8	4	2								16



May 16, 2025

Dear MTA-member township boards,

Every day, township officials across the state diligently administer a broad spectrum of quality essential local government services, making decisions to respond to your community's needs and wants. This is the essence of "local democracy," but it faces ongoing threats from legislative actions aimed at weakening township authority, cutting local revenue, and increasing responsibilities through added legal requirements.

With the active support of our member townships, the Michigan Townships Association is fighting for laws empowering township government and working to blunt the erosion of local control. We speak with lawmakers, testify in committees and keep members informed on legislative efforts so you can tell your stories that help lawmakers understand how their actions impact you and your township.

MTA is also Michigan's recognized leading source for knowledge and information to govern and manage your township wisely and effectively. From our monthly magazine, *Township Focus*, to our *Township Insights* weekly legislative e-newsletter, and our 700-page website, we keep our members informed on legislative changes, trends, news and methods to serve your township, your residents, your region and your state. Our conferences and workshops offer deep-dive insights and conversations on key topics—as well as a chance to connect with your community of township peers. And the one-on-one conversations and advice offered by our Member Information Services Department is something that you simply cannot get anywhere else.

MTA knows and values townships like no one else, and it is our privilege to work every day to ensure the continued success of each Michigan community. Townships come in all shapes, sizes, populations and make-ups, but they share a common cause to serve Michigan's residents and businesses. MTA shares that cause with you.

MTA looks forward to your board's continued support of our efforts on your behalf. With all of the challenges collectively facing townships, the need for a strong MTA should be more evident than ever. Please return the annual dues payment as your steadfastness for the form of government chosen by more than five million Michigan residents. Your township also has the opportunity to contribute to MTA's Legal Defense Fund, allowing us to support and participate in critical court cases with statewide impact to townships, as well as subscribe to MTA Online, giving your entire township team access to valuable on-demand online education on a wide variety of topics and issues. Should you have any questions about MTA's programs or services, please do not hesitate to reach out.

On behalf of our Board of Directors and staff, thank you for being a valued part of the MTA community and for supporting strong township government in Michigan. We look forward to continuing to serve you!

Sincerely,

A handwritten signature in black ink, appearing to read "Harold Koviak".

Harold Koviak
2025 MTA President

A handwritten signature in black ink, appearing to read "Jill Smith".

Jill Smith
MTA Director of Administration and Finance



PO Box 80078
Lansing, MI 48908-0078
www.michigantownships.org

Due Date: 7/1/2025
Township ID: 44548
ATTN: Tammy Beal
County: Livingston Co.

Bill To:

Marion Twp.
2877 W Coon Lake Rd
Howell, MI 48843-8937

IMPORTANT

*Please make a photocopy of this page
and send it with your check.*

- Annual Dues**
1. Your annual dues payment for 07/01/2025 to 06/30/2026 is:
 2. Your Legal Defense Fund contribution for the year is (optional):

\$7,538.00

\$226.14

Your dues and LDF total:

\$7,764.14

Choose Your MTA Online Learning Subscription (optional)

All members of your township team, including volunteers, will have access to the courses included in the package you choose. See the enclosed flyer and the back of this page for more details.

- Select one
- | | | |
|--------------------------|-------------------------------------|----------|
| <input type="checkbox"/> | Premium Pass (all courses included) | \$ 1,900 |
| <input type="checkbox"/> | Plus | \$ 1,000 |
| <input type="checkbox"/> | Essentials | \$ 750 |
- Enter the selected package price here:*

\$

Total the green and gold boxes above and enter the amount enclosed:

\$

Notes:

1. Make a photocopy of this page and send it with your check.
2. Your dues were calculated using method 4 as described below.
3. MTA's EIN number is: 38-1536994. IRS Disclosure: MTA dues payments are not deductible as a charitable contribution for federal income tax purposes.
4. Questions regarding this invoice can be sent to service@michigantownships.org or call us at (517) 321-6467.

Explanation of Dues Determination

1. Minimum dues of \$199 per year
2. The standard dues formula method, which is calculated for townships with less than \$290 million in taxable value as:
 - 2024 Taxable Value (TV) x \$15.05 per million, PLUS
 - 2024 state shared revenues and city, village and township revenue sharing (CVTRS) x \$1.7376 per thousand
3. Level 3 method caps dues at \$7,318 for townships with TV of \$290-599 million
4. Level 4 method caps dues at \$7,538 for townships with TV of \$600-999 million
5. Level 5 method caps dues at \$8,521 for townships with TV greater than \$1 billion
6. Standard dues formula results are capped to a year-on-year increase of 10%

Thank you very much for supporting strong township government!

TOWNSHIP OF MARION

Livingston County, Michigan

RESOLUTION TO IMPOSE A 1% PROPERTY TAX ADMINISTRATION FEE

WHEREAS, pursuant to the General Property Tax Act, specifically MCL 211.44(3), the local property tax collecting unit may impose a property tax administration fee of not more than 1% of the total tax bill per parcel, to offset the costs incurred in the assessment, spreading, and collection of property taxes;

WHEREAS, the Township of Marion, Livingston County, Michigan, incurs costs each year in administering the assessment and collection of property taxes levied by various taxing jurisdictions;

NOW, THEREFORE, BE IT RESOLVED, that the Township Board of the Township of Marion hereby authorizes the imposition of a 1% property tax administration fee on all tax bills prepared and collected by the Township for the summer and winter tax collection periods, in accordance with MCL 211.44(3), beginning with the 2025 tax year and continuing each year thereafter unless modified or repealed by the Township Board;

BE IT FURTHER RESOLVED, that this resolution shall be filed with the Township Clerk and become effective immediately upon adoption.

Roll Call Vote:

YEAS:

NAYS:

ABSENT:

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

I, the undersigned, the duly qualified and acting Clerk of the Township of Marion, Livingston County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular/special meeting held on the 12th day of June, 2025, the original of which is on file in my office.

Tammy Beal, Township Clerk

Date: June 12, 2025

STATE OF MICHIGAN
COUNTY OF LIVINGSTON

**MARION TOWNSHIP ORDINANCE ESTABLISHING A TEMPORARY
MORATORIUM ON SPECIAL USE PERMITS, CONDOMINIUM
DEVELOPMENTS AND/OR
PLANNED UNIT DEVELOPMENTS**

ORDINANCE NO. 25- _____
(Enacted June 12, 2025)

Section 1: Title

This ordinance shall be known and cited as the Marion Township Temporary Moratorium on Condominium Developments and/or Planned Unit Developments Ordinance.

Section 2: Purpose

The Township of Marion has the authority under Section 201 of the Michigan Zoning Enabling Act (MZEA) to approve a zoning moratorium, which grants local governments the authority to "...provide by zoning ordinance for the regulation of land development ... to ensure that use of the land is situated in appropriate locations and relationships ... and to promote public health, safety and welfare." The purpose of this ordinance is to establish a temporary moratorium on the application for, processing of, and construction of condominium and planned unit developments, to provide time to further determine the extent such developments impact the public health, safety and general welfare of the residents of the Township, and to evaluate the regulation of such developments under the Township's Zoning Ordinance in light of the ZBA's decision in Appeal 02-25 and the County Road Commission's newly adopted public road standards as of June 27, 2024.

Section 3: Definition

In this Ordinance, the term “condominium development” singularly or plural, is used to refer to any residential and/or commercial condominium regulated under Article VI, Section 6.18 of this Ordinance.

In this Ordinance, the term “planned unit development” singularly or plural, is used to refer to any residential and/or commercial development regulated under Article XIII, Section 13.01 – 13.06.

Section 4: Need for Study

Whereas the Township previously addressed in its duly adopted Zoning Ordinance issues related to the approval of: 1) special use permits, 2) condominium developments, and/or 3) planned unit developments, which included regulations regarding private roads in Article VI, Sections 6.17 (A) and 6.20. Subsequently, the Livingston County Road Commission replaced its 1991 **Specifications for Plat Development** with its June 27, 2024 **Procedures and Regulations for Developing Public Roads**, which potentially affected the design of both Condominium Developments and/or Planned Unit Developments. Likewise, the Marion Township Zoning Board of Appeals rendered a decision in Appeal 02-2025 that affected the approval process for: 1) special use permits, 2) condominium developments, and/or 3) planned unit developments. The Township desires additional time to study the community impact, existing zoning, and regulation and placement of such developments in the Township, based on these two recent changes. Further, the Township needs to explore what if any new or modified zoning regulations or design standards should be implemented regarding the existence, placement, or construction of such developments in light of these two significant changes.

Section 5: Application and Term

This moratorium is immediately placed on the filing, submission, processing, acceptance, review, or any determinations as to any pending or future applications seeking the review, approval, construction, or installation of any: 1) special use permits, 2) condominium developments, and/or 3) planned unit developments. The acceptance or processing of any pending or future applications by the Township would cause unnecessary confusion for any applicants and/or the Township. This moratorium shall last for one-hundred twenty (120) days from the date of the adoption of this Ordinance, unless modified, extended or terminated by the Township. The Township shall review

this moratorium and the issues of 1) special use permits, 2) condominium developments, and/or 3) planned unit developments at its regular meeting September 25, 2025 to determine if the goals of the moratorium have been satisfied and/or if an extension of the moratorium is in order.

Section 6: Referral to the Planning Commission

During this moratorium, the Township Board refers the following issues to the Planning Commission for the development of a recommendation on Zoning Ordinance adoption and/or Amendment regarding:

- 6.1 Upon what standards should private roads in Marion Township be constructed too?
 - 6.1.1 the same standards as public roads as set forth currently in Livingston County Road Commission's June 27, 2024 **Procedures and Regulations for Developing Public Road**; or
 - 6.1.2 the standards of Article VI Section 6.20 (C), (D), and (E), in which case should Article VI, Section 6.20 (A) be eliminated; and if so;
 - 6.1.3 Should there be any additions to the requirements of Article VI, Section 6.20 (C)?
 - 6.1.4 Should the Planning Commission and the Township Board be able to approve the Developer's proposal to modify the requirements under Article VI, Section 6.20, provided the Developer can demonstrate that the projects proposed internal road system provides adequate public safety measures for the residents? If so, should the Developer of a condominium development have the same privileges included in Article VI, Section 6.18?
- 6.2 Should a "road study" be required before approving every special use permit and/or preliminary site plan for a condominium development and/or planned unit development in Marion Township.
 - 6.2.1 How should the township define a "traffic impact study" and should that definition be added to Section 3.02;
 - 6.2.2 Should the requirements of Article VI, Section 6.17 (A) apply to both Condominium Developments and Planned Unit Developments;
 - 6.2.3 Should Planned Unit Developments for multi-family residential housing be required to provide access through a major thoroughfare, like similarly situated condominium developments; and
 - 6.2.4 Should the requirements of Article VI, Section 6.17 (A) be modified or clarified?
- 6.3 Should the requirements of Article VI, Section 6.16 (b) (2) and Article XVI, Section 16.04 be amended to change the approval process confirmed by the Zoning Board of Appeals in 02-2025?
 - 6.3.1 If so, should a new flow chart be issued?

Section 7: Publication

This Ordinance and its related rules, regulation, provision, requirements, orders, and matters established shall take effect immediately upon publication, except any penalty provision shall take effect thirty (30) days after the Ordinance is first published, pursuant to MCL 41.184 (2) (a).

Section 8: Repealer

All Ordinances, or parts of Ordinances, in conflict with this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect.

Section 9: Validity of Ordinance

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Township of Marion declares that it would have passed this Ordinance and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 10: Purchase of Copy of Ordinance

This Marion Township Ordinance No. 25-_____ can be purchased, examined, or inspected at the Marion Township Hall, 2877 W. Coon Lake Road, Howell, MI 48843, Monday through Thursday between the hours of 9am and 5pm.

Motioned by: _____

Supported by: _____

Roll call vote:

Yeas: _____

Nays: _____

Abstain: _____

Absent: _____

Tammy L. Beal, MMC
Marion Township Clerk

Date adopted by the Township board: June 12, 2025
Date published by the newspaper: _____, 2026
Name of the newspaper: Fowlerville News & Views
Effective date: _____, 2025
Date filed with Livingston County Clerk: _____, 2025
Date recorded in township's ordinance book: _____, 2025

STATE OF MICHIGAN
MARION TOWNSHIP ZONING BOARD OF APPEALS
Resolution No. _____
(ENACTED MAY 29, 2025)

RESOLUTION OF DETERMINATION OF THE MARION TOWNSHIP
ZONING BOARD OF APPEALS CASE NO. 02-25
DATED MARCH 26, 2025

WHEREAS, Meadows North proposes to build a residential condominium development consisting of approximately 167 condominium units on the re-zoned Parcel ID#'s 4710-02-400-020:

- a. The proposed residential condominium development consists of everything from duplex condominium units to five-plex condominium units, which deems it multifamily under the Marion Township Zoning Ordinance because the Zoning Ordinance in Section 3.02 defines a Dwelling as:
 - ii. any building, or portion thereof, which is designed or used exclusively for residential purposes.
 - iii. Dwelling, Multiple-Family: A building containing three or more dwelling units;
- b. Multifamily dwelling units are only permitted by special use permit in the Urban Residential District, per Section 17.21 (A);

WHEREAS, based upon the multifamily use proposed, the Meadows North Condominium Development requires a) a special use permit to build a multi-family condominium development on the site, b) preliminary site plan approval, and c) final site plan approval.

WHEREAS, after Meadows North submitted for Special Use Permit approval and Preliminary Site Plan approval, the Marion Township Planning Commission ultimately recommended:

- a. Preliminary Site Plan Approval with conditions on November 26, 2024 to the Marion Township Board;
- b. Special Use Permit Approval with conditions on December 17, 2024 to the Marion Township Board;

WHEREAS, the Preliminary Site Plan recommended for approval by the Planning Commission to the Marion Township Board only has one ingress and egress point for residents of the Township onto Peavy Road, plus a limited emergency access point through Meadows West, a neighboring development, for fire, police, ambulance and other emergency type vehicles only.

WHEREAS, the Township Board considered the Preliminary Site Plan recommendation from the Planning Commission at more than one Township Board Meeting in early 2025, and there was disagreement between the Board members as to the meaning of the various criteria for approval of this type of proposed development, and as to both preliminary site plan and special use permit, under the Zoning Ordinance;

WHEREAS, the Township Board asked the Zoning Administrator to issue a written opinion on the meaning and/or application of various sections of the Zoning Ordinance in relation to the Meadows North Condominium Development and the criteria upon which the Board must apply in ruling upon Meadows North's request for approval of the proposed preliminary site plan and special use permit;

WHEREAS, the Zoning Administrator issued his Opinion on March 13, 2025;

WHEREAS, on March 26, 2025, Applicant Ms. Acker filed an appeal alleging specific violations of the Zoning Ordinance as it relates to the Meadows North Condominium Development, specifically she is seeking a review of 1) decisions or orders of the planning commission under Section 5.05 (A) and a review of the Zoning Administrator's interpretation of the Zoning Ordinance under Section 5.05 (B), as such they are both related to the Zoning Board of Appeals (hereinafter the "ZBA") in Case #02-25;

WHEREAS, the ZBA conducted a properly noticed and scheduled Public Hearing before the ZBA regarding this Appeal on May 5, 2025, wherein the Appellant spoke, the Township Supervisor spoke, the Township Zoning Administrator spoke, and the public at large was permitted to speak, all while the ZBA members and their attorney listened to the public comment and questioned the speakers on specific points related to this Appeal.

WHEREAS, after public comment was concluded the ZBA voted to go into closed session to discuss the written legal opinion of the ZBA Attorney and invited the Township Supervisor and the Township Zoning Administrator into that closed session;

WHEREAS, after going into closed session the ZBA returned to open session and voted to grant itself an extension of time to rule on the appeal, as the ZBA found it was necessary to review information pertinent to making the decision before rendering a final decision, per Section 5.06 (E).

WHEREAS, after receiving the written legal opinion from the Zoning Board Appeals Attorney, the Zoning Administrator's Opinion, the Appeal from the Applicant, and taking into account the Public Comment from May 5, 2025, the Zoning Board of Appeals is prepared to render an opinion on the Appeal dated May 29, 2025;

**IT IS RESOLVED THAT IN REGARD TO THE APPLICANT'S MARCH 26, 2025
APPEAL:**

**1. IS THE APPLICANT AN AGGRIEVED PERSON ABLE TO BRING THIS
APPEAL?**

At the public Appeal hearing held on Monday, May 5, 2025 at 7:30 pm, representatives of Meadows North alleged that Ms. Acker was not an "aggrieved person" under the law and could not bring this Appeal. Under MCL 125.3604 (2), an appeal to the zoning board of appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of

the state or local unit of government. This language is supported by Section 5.06 (A) of the Zoning Ordinance. Pursuant to *Saugatuck Dunes Coastal Alliance v Saugatuck Township*, 509 Mich 561 (2022), the Michigan Supreme Court has deemed an "aggrieved person" as someone who has suffered special damages or a specific injury due to a zoning board of appeals decision. Factors that can be relevant in determining if a party is aggrieved include:

- A. the type and scope of the change or activity proposed, approved, or denied.
- B. The nature and importance of the protected right or interest asserted.
- C. The immediacy and degree of the alleged injury or burden and its connection to the challenged decision as compared to others in the local community.
- D. If the complaining party is a real-property owner or lessee, the proximity of the property to the site of the proposed development or approval and the nature and degree of the alleged effect on that real property.

The ZBA finds that the Applicant Ms. Ackers, a Marion Township Resident, is an aggrieved person under the law who is able to bring this appeal before the zoning board of appeals, because:

First, the Applicant owns real property, the back yard of which borders upon the proposed Meadows North Condominium Development. Therefore, there is a greater immediacy and degree of the alleged injury or burden to her as compared to others generally located in Marion Township, if this multi-family development were to proceed in violation of one or more sections of the existing Zoning Ordinance. The nature of this high-intensity (up to 5-plex) multi-family residential development next to Ms. Acker's single-family home creates a greater degree or burden to her property than the ordinary Marion Township resident. (See Factors C & D above)

Second, Ms. Acker accesses her property from Peavy Road, one driveway north of the only proposed entrance to the Meadows North Condominium Development. Peavy Road is a local county road. The nature of the burden upon this road being proposed by the developer with 167 multi-family units is of a greater proximity to Ms. Acker and thus the injury or burden to her if this development does not follow all existing zoning regulations is greater compared to other residents of Marion Township who do not live on or utilize Peavy Road generally. (See Factors C & D above)

Third, the nature of Ms. Acker's right to protect Peavy Road and her own back yard from overburdened residential uses that may be inflicted by the potentially improper approval of Meadows North Condominium Development in contravention of one or more Zoning Ordinance provisions is grounds to find her an Aggrieved Person, because of the utilization of Peavy Road generally for ingress and egress and her specific proximity to the ingress/egress point of the Meadows North Condominium Development specifically to Peavy Road and the general proximity of her home to the development. (See Factor B above)

2. IS THE APPLICANT'S APPEAL TIMELY?

At the Public Hearing on this Appeal on May 5, 2025, representatives of Meadows North alleged that Ms. Acker's appeal was 1) time barred, 2) barred by laches, and/or 3) otherwise not timely. The ZBA finds that Ms. Acker's appeal is timely for the following reasons:

First, ZBA Appeals under Section 5.05 (B) deal with appeals of interpretations of the Zoning Ordinance by the Zoning Administrator. These are arguably rulings of the Zoning Administrator concerning the enforcement of provisions of this Zoning Ordinance and thus any appeal must be filed under Section 5.06 (A) from such a decision within thirty (30) days of the ruling. While the Township Board was considering action on the Preliminary Site Plan, it became apparent there was a substantial disagreement as to the criteria upon which the Township Board should render a decision on the merits regarding the Planning Commission's recommendation for approval of Meadows North's proposed Preliminary Site Plan and the Special Use Permit. The Township Board requested the Zoning Administrator issue an opinion on some of those issues to clarify the criteria to be applied by the Marion Township Board in rendering a decision on the merits of these two recommendations from the Planning Commission.

The Zoning Administrator issued an interpretation on various provisions of the Ordinance on March 13, 2025 and the Applicant appealed on March 26, 2025 to some or all of those interpretations, along with other actions of the Planning Commission the Appellant alleges were taken in violation of the Zoning Ordinance. Therefore, the Applicant's appeal under Section 5.05 (B) was filed well within the thirty (30) day threshold on those issues.

Second, the Planning Commission issued recommendations to the Township on the Preliminary Site Plan on November 26, 2024 and the Special Use Permit on December 17, 2024. The Applicant filed her appeal asking for administrative review of those Planning Commission decisions on March 26, 2025, or approximately 90 days after those two (2) decisions were rendered by the Planning Commission. The Appeal was received well before the Township Board issued a final decision on the merits of either recommendation. There is no specific provision in the Zoning Ordinance setting a timeframe for an Appeal to the ZBA for an Administrative Review under Section 5.05 (A). Further, while MCL 125.3606 (3) of the Zoning Enabling Act proscribed specific timelines to appeal a decision of the Zoning Board of Appeals to the Circuit Court, nowhere in the Act nor the Ordinance does it proscribe a specific time period for an Aggrieved Party to file an Appeal of an Administrative Decision to the ZBA.

Finally, the Marion Township Board has yet to act upon either recommendation from the Planning Commission. Also, a determination from the ZBA on the merits of these appeals will provide clarity for the Marion Township Board on a number of procedural issues and the criteria upon which that decision should be based, long before a final decision on the merits of either issue is rendered. The Planning Commission recommendations are guidance and/or

interim decisions, and the final decision on the merits rests with the Marion Township Board. Therefore, the ZBA determines the Applicant's appeal on this basis is not time barred under laches and/or any other reason, as Marion Township Board had not acted before the Appeal to render any final decision.

3. IS THERE MERIT TO THE APPELLANT'S ALLEGED VIOLATION # 1 REGARDING SPECIAL LAND USE REQUIREMENTS?

This application for appeal appears to be an administrative review appeal under Section 5.05 (A). The Appellant's written Appeal on this issue is somewhat disjointed. Some of the language allegedly quoted by the Applicant in her first paragraph does not tie to her only Zoning Ordinance cite to Section 6.15 (B) (1), which reads:

B. Requirements for Valid Conditions: Conditions imposed shall meet all of the following requirements:

- 1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.*

The Appellant appears to be arguing that the creation of a deceleration lane between two existing homes [1163 and 1175 Peavy Road] on a public right-of-way is detrimental to the existing property owners social and economic wellbeing in that area. This point was questioned during the public hearing with the Appellant on May 5, 2025 and the Appellant, again, argued similarly. There is no factual dispute that Peavy Road, as expanded for the proposed deceleration lane, will still be 100% contained within the existing Peavy Road right-of-way. No condemnation of private property is required for the improvements to Peavy Road necessitated by an approval of the Meadows North Condominium Development. The ZBA does not find the private property owners have any special rights or privileges or whose social or economic wellbeing will be detrimentally affected by the utilization or expansion of an existing public road within its existing public right-of-way under this appeal. For the above reasons, the ZBA does not find that the Appellant has met her burden under this alleged reason to appeal the administrative decision of the Planning Commission under Section 5.05 (A) and this appeal on this ground is denied.

4. IS THERE MERIT TO THE APPELLANT'S ALLEGED VIOLATION # 2 REGARDING A TRAFFIC IMPACT STUDY?

The Appellant filed this administrative appeal under Section 5.05 (A) alleging the Meadows North Preliminary Site Plan project could not be recommended for approval by the Planning

Commission without a traffic study¹. Specifically, the Appellant addresses issues under Sections 6.15 (A) & (B)(1). Section 6.15 (A) reads:

A. Conditional Approvals Criteria for Discretionary Decisions: The Planning Commission, Zoning Board of Appeals, and Township Board may attach conditions to the approval of a site plan, special land use, planned unit development, variance or other discretionary approval. Such conditions shall be based upon standards in this Ordinance and may be imposed to:

- 1. Ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.*
- 2. Protect the natural environment and conserve natural resources and energy.*
- 3. Ensure compatibility with adjacent uses of land.*
- 4. Promote the use of land in a socially and economically desirable manner.*

The writing of the Appellant that accompanies the appeal makes it clear that the reference to 6.15 (A) is in relation to a requirement she believes should have been attached to the approval of either the preliminary site plan and/or the special use permit for a traffic study. Further, Appellant alleges that there is no proof that the Meadows North Condominium Development will not reduce the level of service on adjoining public roads below a "Level C." Beyond the mention of 6.15 (B) (1) on the Appellant's Application for Zoning Board of Appeals, Section 1 on Zoning Ordinances, there is no specific mention in the written appeal of what a specific Board or individual official of the Township has done to violate this section of the Zoning Ordinance and/or misinterpret it. A review of the November 26, 2024 minutes of the Planning Commission shows the following motion:

Jim Anderson made a motion to recommend approval to the Board of Trustees for SPR# 03-24 SUP# 02-24 MEADOWS NORTH PRELIMINARY SITE PLAN, with the following recommendations.

- Include the complete traffic study on the final site plan.*
- Include the maintenance agreement for the Fire Department emergency access from the Meadows, in the homeowner's agreement.*
- Include the maintenance agreement for billboard easements and the gas storage valve easements, in the homeowner's agreement.*
- Require the street lights to be LED.*
- Include the review from the Drain Commission.*

Bill Fenton seconded. 5-0 MOTION CARRIED

¹ The Appellant does take issue with the Zoning Administrator's decision as it relates to the traffic study and what the evidence shows, but the ZBA finds this appeal more fully fits the form of an Administrative Review under Section 5.05 (A) than an interpretation of the Ordinance under Section 5.05 (B).

Based on the argument put forth in this Appeal and the clear condition contained regarding a traffic study in the Planning Commission motion from November 26, 2024, the ZBA finds that the Planning Commission did recommend to the Marion Township Board that the Preliminary Site Plan be approved conditioned on Meadows North presenting a “complete traffic study” as part of their final site plan approval. This appears to be a condition the Planning Commission imposed on the Applicant under Section 6.15 (A) (1). Based on this Planning Commission motion, the final site plan is still conditioned on a “complete traffic study” that will satisfactorily insure that public roads affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity. The ZBA denies the Applicant’s appeal on this grounds, as the Appellant has failed to meet her burden to demonstrate a decision and/or order of the Planning Commission on the grounds was improper, as required under Section 5.05 (A).

However, the Applicant also alleged in this portion of the appeal that the Zoning Ordinance required that the public road serving as the ingress and egress point for a condominium project not fall below a “Level C.” This language is not part of Section 6.15 (A) (1), instead that language is derived from Section 6.17 (A), which reads:

Section 6.17 Infrastructure and Concurrency Standards:

A. Roadway Network:

1. *No new land uses, except for unplatted single-family homes, or development requiring site plan review under this Ordinance shall be permitted which will reduce the level of service on adjacent roadways below the level of service (LOS) C, as identified in the Marion Township Comprehensive Plan, until the roadway has been improved to avoid such a decrease in the level of service*

This triggers the need for a ZBA interpretation of the language under Section 5.05 (B). In interpreting the Ordinance, the ZBA must insure that every word of the Ordinance is read to give it meaning, and so the ZBA must avoid an interpretation that renders words unnecessary or meaningless, please see *In re MCI Communications*, 460 Mich 396 (1999). Further, Ordinances are to be read as a whole to ascertain the intent of the Legislature, and any provisions that are apparently inconsistent are interpreted to produce a harmonious whole, if reasonably possible, please see *Macomb County Prosecutor v Murphy*, 464 Mich 149 (2001).

It is the opinion of the ZBA that the specific requirements for Condominium Development’s infrastructure under Section 6.18 control over the general requirements of Section 6.15 for infrastructure and concurrency. Section 6.18 regulates condominium developments in Marion Township regardless of what zoning district those Condos are located in. Section 6.18 (C) is specifically relevant to this appealed issue and reads:

- A. *A condominium project shall comply with the provisions in Sections 6.17.B. and 6.17.C. pertaining to potable water and sewage disposal and storm water management, respectively.*

The ZBA rationalizes that it is inappropriate for the Planning Commission and/or the Township Board to enforce Section 6.17 (A) upon a condominium project, based on the clear written language of this Ordinance as it is currently drafted, because to do so would render the language of Section 6.18 (C) "unnecessary or meaningless," which is not permitted under *MCI Communications, supra*. If the Township Board in adopting this Ordinance desired condominium projects to comply with Section 6.17 (A), then it would not have included Section 6.18 (C) in the Ordinance². These two competing sections of the Ordinance must be harmonized under *Macomb County Prosecutor v Murphy, supra*. It is the opinion of the ZBA that the only logical way to harmonize the language of Section 6.18 (C) with Section 6.17 generally is to hold that under its Section 5.05 (B) authority the requirements of Section 6.17 (A) are not applicable to Condominium projects in Marion Township as any other reading would make Section 6.18 (C) meaningless.

Alternatively, had the Township Board desired condominium projects to comply with Sections 6.17 (A), (B), and (C), then it would have said so in Section 6.18 (C) or since there are only three subsections to 6.17 it may have not included Section 6.18 (C) at all. Instead, the Ordinance makes clear that Condominium Developments **shall** only need to comply with Section 6.17 (B) & (C). Section 3.01 (E) & (H) supports this argument, which reads:

- E. *The term "shall" is always mandatory and not discretionary; the word "may" is permissive.*
- H. *Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:*
1. *"And" indicates that all the connected items, conditions, provisions, or events shall apply.*

The Condominium Section 6.18 makes clear that condominium developments **shall** comply with Section 6.17 (B) & (C). This interpretation is further supported by the Michigan Court of Appeals decision in *Wayne County v State Treasurer*, 105 Mich App 249, 252 (1981), wherein the Court held that the word "shall" refers to a mandatory duty or requirement. There would be no reason to include the cited language in Section 6.18 (C) if the Zoning Ordinance otherwise required Condominium Developments to comply with all of Section 6.17. Further, under 3.01 (H) the conjunction of "and" means the Condominium Development need only comply with the connected items, i.e., Section 6.17 (B) and (C). For these reasons, the ZBA holds that under its Section 5.05 (B) power to interpret the Ordinance the requirements of Section 6.17 (A) do not

² Section 6.17 only has three subsections (A) (B) (C). If all three were to be applied to condominium developments in Marion Township, then there would be no need for Section 6.18 (C).

apply to condominium projects in Marion Township, as the Ordinance is currently written. This decision should provide the Township Board with some clarity as to the criteria upon which it must weigh the merits of the Meadows North Condominium Development project when ruling upon the Planning Commission's recommendations to approve both preliminary site plan and special use permit.

**5. IS THERE MERIT TO THE APPELLANT'S ALLEGED VIOLATION # 3
REGARDING A ROAD DESIGN AND USE?**

As stated above, Meadows North is considered a multi-family condominium development, because it proposes to construct everything from duplexes to five-unit buildings in the development. All multi-family developments in the Urban Residential Zoning District are permitted only by special use permit, please see Section 8.03 (D) (12). On December 17, 2024, the Planning Commission approved a motion by Cheryl Range to recommend approval to the Board of Trustees for SUP# 02-24 MEADOWS NORTH SPECIAL USE PERMIT, with the following recommendations:

- a. Applicant must receive final site plan approval.
- b. Additional buffering beyond what is required along adjacent properties to the north and south side of the access road.
- c. Additional screening on properties to the west of the access road, if agreed to by the property owners.

Jim Anderson seconded.

ROLL CALL: Powelson YES; Range YES; Grunn YES; Fenton YES; Anderson YES. 5-0 MOTION CARRIED

The Appellant's Violation # 3 is an administrative review under Section 5.05 (A) of the Planning Commission's decision centered around the appropriateness of the above motion, given the requirements for approving a special use permit for multi-family housing under Section 17.21. Specifically, the Zoning Ordinance spells out the standard Special Use Permits for multi-family development, including Section 17.21 (D) (1), which reads:

D. Performance Standards:

1. *All developments for multiple-family dwellings shall have direct access to major thoroughfare.*

The Appellant alleges that a multi-family condominium development cannot be approved for Meadows North, based on the fact that its sole public source of ingress and egress is Peavy Road, which the Appellant alleges under MDOT standards is not a major thoroughfare.

The ZBA determines that Appellant's reliance on MDOT determination of the road to meet the standard for a "major thoroughfare" is misplaced, because the Zoning Ordinance specifically defines a major thoroughfare in Section 3.02 on page 24:

Major Thoroughfare: *A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property and which has been classified as a County Primary, State Trunkline, or U.S. Trunkline*

The correct determination of a major thoroughfare for the purpose of implementing this condition of approval of a special use permit is whether Livingston County, not MDOT, has classified Peavy Road as a County Primary, State Trunkline, or US Trunkline. This is one of the reasons why the ZBA adjourned the meeting after public comment on May 6, 2025, as it needed more information before rendering a decision on this point, which is permitted under Section 5.06 (E).

The ZBA has been in touch with the Livingston County Road Commission and there are only four (4) primary roads in Marion Township and none of them are Peavy Road. Peavy Road is designed by the Livingston County Road Commission as a local road. (Exhibit A). Therefore, the ZBA determines that the Planning Commission's motion to recommend approval to the Township Board of the Meadows North Special Use Permit was an administrative decision or order made in error, pursuant to Section 5.05 (A) and must be reversed. The ZBA Order's that the Planning Commission's decision to recommend special use permit approval to Meadows North is null and void in light of the requirements of Section 17.21 (D) (1), Exhibit A attached hereto, is Meadows North's preliminary site plan which shows the sole public ingress and egress point for this proposed multi-family development in Meadows North. Again, this decision should assist the Township Board in determining the criteria upon which to render a decision on the merits of whether or not to grant preliminary site plan approval and/or approve the issuance of a special use permit for a multi-family condominium project at this location.

6. IS THERE MERIT TO THE APPELLANT'S ALLEGED VIOLATION # 4 REGARDING A DOUBLE BOULEVARD ENTRANCE?

The Appellant's Violation # 4 appears to be an administrative review appeal under Section 5.05 (A), regarding the Planning Commission's decision centered around the appropriateness of the preliminary site plan approval, given the alleged requirements by the Appellant for a "double boulevard" at the entrance into the development. The ZBA cannot locate any specific Zoning Ordinance provision requiring multi-family residential condominium developments to install a double boulevard entrance into the development. This question was specifically presented to the Appellant at the May 6, 2025 public hearing and the Appellant could not cite a specific Zoning Ordinance Section that required same. The Ordinance does require a double boulevard for Planned Unit Developments under Section 13.03 (L), but not for Condo projects under Section 6.18 nor Special Use Permits for Multi-Family Residential under Section 17.21. Therefore, the ZBA denies the Applicant's appeal on these grounds, as the Appellant has not met her burden of proof..

7. IS THERE MERIT TO THE APPELLANT'S ALLEGED VIOLATION # 5 REGARDING A FIRE MARSHAL APPROVAL LETTER?

The Appellant is relying on Section 6.16 (A) (2) for her appeal of the Planning Commission's administrative decision under Section 5.05 (A) to recommend approval to the Marion Township Board of both the preliminary site plan and/or the special use permit. Section 6.16 reads:

Environmental Performance Standards

- A. *Site Plans, Special Land Uses, and Construction Activities: All site plans, special land uses, and construction activities shall conform to the provisions of this Ordinance and the regulations and standards of the following:*
2. *Applicable fire safety and emergency vehicle access requirements of the State Construction Code, State Fire Marshal and Local Fire Code.*

Section 6.16 (A) applies equally to preliminary site plan approval and special land use permits. The Appellant has argued that Section D 104-3 of the International Fire Code Remoteness Clause is violated by the Planning Commission recommending approval of this Preliminary Site Plan and/or the Special Use Permit and believes the Planning Commission must obtain the written approval of an unspecified "Fire Marshal" to confirm if it is a violation. When a ZBA determines the legislative intent of the Township Board in adopting a Zoning Ordinance, it must look first to the specific language of the Ordinance, in this case Section 6.16 (A) (2). No where in this section does it require any adherence to the International Fire Code³, only the State Construction Code, the State Fire Marshal, and Local Fire Code. The local Fire Marshal has approved the preliminary Site Plan in writing. However, the ZBA sees no evidence that the Planning Commission received a separate written approval from the "State Fire Marshal" before moving to recommend approval of both the Site Plan and/or the Special Use Permit to the Township Board. The ZBA has already determined that the Planning Commission's motion to recommend approval of the Special Use Permit was in error as the Special Use Permit cannot meet the standards of direct access to a Major Thoroughfare under Section 17.21 (D) (1). The ZBA now determines under Section 5.05 (A) that the Planning Commission was in error in recommending approval of both the Preliminary Site Plan and the Special Use Permit before it obtained written confirmation from both the State Fire Marshal and the local Fire Marshal that the proposed site plan would satisfy both of them. For this reason, the ZBA sets aside the Order or Decision of the Planning Commission to recommend approval to the Township Board of both the Preliminary Site Plan and the Special Use Permit, per Section 5.05 (A) and refers that matter back to the

³ There has been some oral argument that the local fire authority has adopted the International Fire Code, but evidence of same was never presented independently to the ZBA and the local Fire Marshal (who is also the local deputy fire chief) issued a written opinion that was later clarified in an e-mail the combined implication of which was the approval of the project as laid out in the Preliminary Site Plan. The Planning Commission is not a super fire marshal that can override the written opinion of the local Fire Marshal in this regard and the ZBA finds no issue with the Planning Commission relying upon the written opinion of the local Fire Marshal if this regarding. If the Applicant or others have issue with that opinion, the appropriate place to address it is with the local fire authority.

Planning Commission to collect both the required opinions and consider them before rendering a final decision on a recommendation to the Township Board on either Preliminary Site Plan approval and/or Special Use Permit approval.

8. IS THERE MERIT TO THE APPELLANT'S ALLEGED VIOLATION # 6 REGARDING THE CUL DE SAC LENGTH?

The Appellant relies upon Section 6.20 (A) for her allegation that Meadows North must meet the requirements of public roads in Livingston County, and the Planning Commission disagreed. The Township Board referred this issue to the Zoning Administrator to issue an Opinion on the applicability of Section 6.20 (A) to private roads and that opinion was issued on March 13, 2025. The Appellant timely filed her appeal on March 26, 2025 alleging a error in the decision of the Zoning Administrator's interpretation of the Zoning Ordinance under Section 5.05 (B). The Appellant draws her conclusion from first Section 6.18 (E), regarding the requirements for condominium projects in the Township which reads:

- E. All public streets within a condominium project shall be constructed to the minimum requirements of the Livingston County Road Commission's construction standards. All private roads within a condominium project shall be constructed to the standards of Section 6.20 of this Ordinance.

In this case, the developer is proposing all private roads within its multi-family condominium project, so the last sentence is relevant to this analysis. The last sentence says that private roads must comply with the entire Section 6.20 of the Ordinance, not just 6.20 (A). Section 6.20 generally is a section that deals with private roads that service amongst other things multi-family developments in Marion Township. The question evolves around whether Section 6.20 (A) can be read to require all private roads in Marion Township to be constructed to the Livingston County Public Road Standards, as the Appellant appears to argue. The ZBA considers this argument under Section 5.05 (B) as an interpretation of the Ordinance.

Again, when interpreting the Ordinance, the ZBA must insure that every word of the Ordinance is read to give it meaning, and so the ZBA must avoid an interpretation that renders words or entire Sections of the Zoning Ordinance unnecessary or meaningless, please see *In re MCI Communications*, 460 Mich 396 (1999). Further, Ordinances are to be read as a whole to ascertain the intent of the Legislature, and any provisions that are apparently inconsistent are interpreted to produce a harmonious whole, if reasonably possible, please see *Macomb County Prosecutor v Murphy*, 464 Mich 149 (2001). The ZBA does not find that the language of Section 6.20 (A) requires that all private roads in Marion Township be constructed to the Livingston County standards for public roads, because the relevant portion of the language of Section 6.20 (A) reads "Marion Township requires that all new private roads meet the Livingston County Road Commission Standards. Marion Township does not guarantee that the roads may become public at a later date. The decision to accept roads as public will be made by the Livingston County Road Commission." When Section 6.18 was added to the Zoning Ordinance, the

Livingston County Road Standards were those that had been adopted in 1991 and were referred to as the “**Specifications for Plat Development.**” Those May 23, 1991 Livingston County Road Commission standards had provisions regarding how site condominiums private roads could (at that time) become public roads at a later date which read in relevant part:

3. *Site Condominiums*

Mr. Crain reviewed details with the Board concerning site condominium development activities throughout the County, which continue to increase and require the need to clarify the status of construction criteria for streets in this type of development.

A brief discussion followed. A Resolution was prepared for the Board to Review and approve on the subject matter.

ACTION Moved by Commissioner Slayton, Supported by Commissioner Dunleavy.

WHEREAS, the Board of the County Road Commissioners of the County of Livingston is asked from time to time to accept the dedication of new public roads outside of platted subdivisions, and

WHEREAS, THE Board has adopted a policy statement on July 13, 1989 for purpose of clarifying the Road Dedication Acceptance Criteria, now therefore be it

RESOLVED, that the Board of County Road Commissioners of the County of Livingston hereby confirms and adopts the Road Dedication Acceptance Criteria first adopted July 13, 1989, and be it further

RESOLVED, that Board hereby requires that the construction standards and procedures outlined in its Specifications for Plat Developments are hereby adopted for use in the Construction of proposed public roads located outside of platted subdivisions.

Motion Carried.

This brings into focus the reason for the second and third line of Section 6.20 (A) “Marion Township does not guarantee that the roads may become public at a later date. The decision to accept roads as public will be made by the Livingston County Road Commission.” The Livingston County Road Commission used to have a July 13, 1989 policy that permitted private roads in condominium projects built to a certain standard to be considered for admittance as public roads. Again, words have meaning and had the Township Board wanted to limit application of the Zoning Ordinance to those specific 1991 standards or more importantly the July 13, 1989 policy of the Road Commission, then it should have said so. It did not instead just adopting by reference whatever standard or policy the Livingston County Road Commission promulgated.

Thus, when the Road Commission replaced those 1991 standards on June 27, 2024, the meaning of the Township Ordinance likewise was altered. Livingston County adopted new Road Commission **Procedures and Regulations for Developing Public Road** on June 27, 2024. The Ordinance language in question says all new private roads in Marion Township must meet the “Livingston County Road Commission Standards” not the “Livingston County Road Commission’s “Procedures or Regulations for Developing Public Road” Standards,” as some members of the public and the Appellant would appear to have everyone conclude. Those are two vastly different and distinct things. The ZBA is not a super Planning Commission with the authority to change the Zoning Ordinance meaning, even if that change might be a good public policy. Instead, the ZBA must render an opinion on the language presently in the Ordinance. In the ZBA’s opinion, the Appellant cannot reasonably argue that the language of the Zoning Ordinance should be read to require that all private roads in Marion Township be constructed to the Livingston County Procedures and Regulations for Developing Public Road Standards. That is a bridge too far under the ZBA’s duty to interpret the Zoning Ordinance under Section 5.05 (B) based upon the following:

First, only the Township Board can amend the Ordinance to include such additional language, after a public hearing and other statutory steps are fulfilled. The ZBA is left with the language as written in the Ordinance that Marion Township only requires that all new private roads meet the Livingston County Road Commission’s Standards. There is no clarifications in this Ordinance language as to what standards of the Livingston County Road Commission the Ordinance is referring, but Section 6.20(A) is titled a Section on private roads so it is presumed by the ZBA that the reference is to Livingston County private road standards, which obviously existed when this Ordinance was originally approved and was later removed by the Livingston County Road Commission on June 27, 2024. Unfortunately, Livingston County has not adopted any standards for private roads in their June 27, 2024 **Procedures and Regulations for Developing Public Road**, as demonstrated by Page 5, which is labeled “Introduction” and reads in relevant part:

The Livingston County Road Commission (LCRC) will only approve for acceptance those proposed public roads which are included in a proposed platted subdivision. Site Condominiums and land division projects such as lot splits shall be developed using private roads.

Again, on page 6, the Livingston County Road Commission’s **Procedures and Regulations for Developing Public Road** Standards clearly state they do not apply to private roads in Section 1: General Provisions when the Road Commission state:

As previously stated, land division and site condominium projects must be developed using private roads.

A reading of these two statements in contrast to the 1991 Standards in conjunction with the July 13, 1989 policy of the Road Commission, leads the ZBA to conclude the Road Commission has moved away from its prior policy of permitting private roads in condominium developments

built to a standard set by a prior policy of the Road Commission to later be considered for conversion to public roads. Thus, in 1) reading these two statements in the June 27, 2024 **Procedures and Regulations for Developing Public Road** Standards adopted by the Livingston County Road Commission, 2) reviewing those entire standards to confirm no requirements for private roads are contained therein, and 3) reviewing the prior 1991 Road Commission Standards for historical context⁴, it is the ZBA's determination that the June 2024 standards no longer provide a mechanism for turning private roads in Marion Township Site Condominiums into public roads and Livingston County Road Commission has not otherwise developed any standards for private roads construction that must be applied to condominium developments under Section 6.20 (A).

Second, why would the Township Board include the private road design requirements in Section 6.20 (C), if the Zoning Ordinance required all private roads to meet the **Procedures and Regulations for Developing Public Road** Standards established by the Livingston County Road Commission under Section 6.20 (A)? Meadows North, as a condominium development, must be developed using private roads according to the new Standards of the County Road Commission. The County Road Commission proscribes no standards for those private roads within its June 27, 2024 Standards beyond these two references to all condominium roads now being private roads. The Township is left with its existing requirements for private roads, as contained in Section 6.20 (B), (C), (D), and (E). Again, when interpreting the Ordinance, the ZBA must insure that every word of the Ordinance is read to give it meaning, and so the ZBA must avoid an interpretation that renders words unnecessary or meaningless, please see *In re MCI Communications*, 460 Mich 396 (1999). The ZBA holds that to do as the Appellant insists and determines that 6.20 (A) requires every site condominium to construct its private roads to the Livingston County Public Road standards would be to ignore or make meaningless Paragraphs 6.20 (B), (C), and (E), which is against its duty of statutory construction. To harmonize the meaning of 6.20 (A) with the specific private road standards approved by Marion Township in Section 6.20 (B), (C), and (E) and render an Ordinance interpretation under Section 5.05 (B), the ZBA holds that Section 6.20 generally must be read as Section 6.20 (A) only requiring an Applicant to comply with any standards for private roads published by the Livingston County Road Commission⁵. The Livingston County Road Commission changed its standards on June 27, 2024 and no longer makes it possible for private roads in condominium developments to be public under any circumstances.

For all the reasons above, the ZBA determines under Section 5.05 (B) that the Appellant's appeal on these grounds is denied as Section 6.20 (A) does not require a condominium developer to

⁴ The ZBA may look at legislative history, including the journals chronicling legislative history and changes to bills in interpreting the Ordinance, please see *MCI Telecommunications Complaint*, 460 Mich 396 (1999) and *Jenks v Brown*, 219 Mich App 415 (2000).

⁵ Like there was under the July 13, 1989 policy of the road commission before it was replaced and superseded by the June 27, 2024 standards of the Road Commission.

construct its private roadway system to the Livingston County **Procedures and Regulations for Developing Public Road** Standards, as the Ordinance is currently written.

**9. IS THERE MERIT TO THE APPELLANT'S ALLEGED VIOLATION # 7
REGARDING COUNTY, STATE OR FEDERAL PERMITS?**

The Appellant appeals the administrative decision or order of the Planning Commission to recommend to the Township Board that it grant a special use permit to Meadows North for a multi-family development in the Urban Residential District before all the necessary County, State, and Federal permits for said development have been obtained by the Developer. Appellant correctly relies upon Section 6.16 (B) (2) for her appeal, which reads:

A. Sensitive Lands:

2. *The Township shall not approve any land use that requires a county, state, or federal permit, until such permit has been obtained and satisfactory evidence has been submitted verifying the acquisition of the necessary permits.*

The Township Board has not taken up the recommendation from the Planning Commission yet to approve the special use permit for Meadows North. The Township Board has only dealt to date with the Planning Commission's recommendation to approve the Preliminary Site Plan with conditions and has taken no definitive action on that preliminary site plan. The ZBA finds that Meadows North, like most developers, prefers preliminary site plan approval before spending the time and financial resources applying to the required permitting agencies for permits necessary to further its development.

Otherwise, how would the developer and those permitting agencies know what the Township is approving subject to the developer's ability to obtain the required and necessary permits; and thus, be in a position to judge if that approval would violate any rules or regulations of their agency? Meadows North cannot go to these agencies with a blank piece of paper and ask for permits, best practice dictates that it needs a preliminary site plan for those agencies to review. If those permits are approved by the required Federal, State, or local agencies, based on the approved preliminary site plan, then Meadows North will return to the Township for final site plan approval. At the time of final site plan approval, the Township will require that Meadows North demonstrate approved permits, likely including from: 1) MHOG, 2) Livingston County Drain Commission, 3) City of Howell/Marion Township for Sanitary Sewer, and 4) EGLE. Therefore, the Appellant's appeal on this administrative review issue under Section 5.05 (A) is granted in part and denied in part. First, the appeal is granted on the issue of the Planning Commission's recommendation for special use permit and the issue is returned to the Planning Commission with instruction to condition its recommendation for special use permit approval to the Township Board based upon the developer obtaining all necessary permits for county, state, and federal agencies. It is denied in part, as it relates to the issuance of the preliminary site plan, as the ZBA holds under Section 5.05 (A) that the requirements of Section 6.16 (B) (2) only apply to land use permit approvals, not preliminary and/or final site plan approvals.

During the ZBA public hearing, it was further pointed out that Section 16.04 conflicts with Section 6.16 (B) (2), in that Section 16.04 requires that the Board of Trustees shall consider the application for a special use permit at their next regular meeting or if requested by the applicant, the Board of Trustees may schedule a special meeting. This conflicts with Section 6.16 (B) (2) in that under that section the Board of Trustees does not consider a recommendation for any land use [a special use permit is a form of a land use permit] until the applicant has obtained all the necessary permits from the county, state, and/or federal government. The Township also has adopted a flow chart that backs up the Section 6.16 (B) (2) version of this conflict between the two Sections of the Zoning Ordinance. (Exhibit B)⁶ This raises a classic zoning interpretation question under Section 5.05 (B).

Under Section 3.02 the Zoning Ordinance defines the following relevant terms:

Land Use Permit: A permit signifying compliance with the provisions of this Ordinance as to use, activity, bulk, setback, and density. {emphasis added in bold, underline, and italics}

Special Land Use: A use of land whose characteristics may create nuisance-like impacts on adjoining lands unless carefully sited according to standards established in this Ordinance. Approval for establishing a special land use is indicated by issuance of a Special Use Permit. {emphasis added in bold, underline, and italics}

Therefore, a special use permit, issued under Section 16.04, involves a permit for the use of land that is also controlled by Section 6.16 (B) (2) of this Ordinance. The ZBA holds that under the text of this Ordinance that the Township cannot grant approval of a special use permit involving issues of wetland development until the issue of any required federal, state, or local wetland permits have been satisfied by the developer being granted said permits. Statutes are to be read as a whole to ascertain the intent of the Legislature, and any provisions that are apparently inconsistent are interpreted to produce a harmonious whole, if reasonably possible, please see *Macomb County Prosecutor v Murphy*, 464 Mich 149, 160 (2001); *Bailey v Oakwood Hosp. and Medical Center*, 472 Mich 685, 693 (2005); and *Nowell v Titan Ins. Co.*, 466 Mich 478, 482 (2002). It is not proper, based on the text of this Ordinance, to simply approve the special land use conditioned on the developer later obtaining those permits, even though Section 16.04 states that the Planning Commission may recommend special use permit approval with conditions. The text of Section 6.16 (B) (2) makes clear that the wetland permits must be obtained before any land use permit is granted by the Township and that would include a special land use permit. It is a principle of statutory interpretation that the more specific trumps the more general and that principle must be applied in this instance. This principle of statutory construction has been confirmed by the Michigan Supreme Court, which held that when a statute contains both a

⁶ Interpretations of statutes by agencies that administer it are given great deference, please see *Adrian Schools Dist v Michigan Public Schools Employees Retirement Systems*, 458 Mich 326 (1998). In this case the agencies that interpret the zoning ordinance adopted a flow chart and that chart should be given deference.

specific provision and a more general related statement. Finally, Section 16.04 requires the Township Board to consider the Application, but not act upon it as in Section 6.16 (B) (2), specific county, state, or federal permits may be required before final action can take place.

Therefore, the ZBA issues an Ordinance Interpretation pursuant to Section 5.05 (B) to harmonize the interaction between Section 6.16 (B) (2) and Section 16.05. The ZBA holds that the Marion Township Board of Trustees shall continue not acting upon the approval of the special use permit, until Meadows North demonstrates its ability to obtain those required permits from the county, state or federal level, including the MDEQ and the Drain Commissioner, for the reasons set forth herein. All future special use permits are ordered to follow this same procedure by the ZBA in an attempt to harmonize the competing requirements of Sections 16.04 and 6.16 (B) (2).

10. SHOULD THE APPELLANT BE REFUNDED THEIR APPEAL FEE?

The Appellant has asked that her appeal fee be refunded. The ZBA has no authority to refund the appeal fee under the terms of the Zoning Ordinance. However, this appeal by the Appellant clearly had merit on several points and the ZBA recommends the Township Board consider refunding the appeal fee to this Appellant for that reason.

CONCLUSION

In rendering this Opinion on Appeal, the ZBA has analyzed both 1) the questions raised on appeal and 2) the Ordinance interpretation issues that arose because of those questions raised on appeal, based on the specific language of the Zoning Ordinance. The ZBA is not a super Planning Commission that is able to write an Ordinance out of thin air and/or craft the best planning policy for the Township moving forward. Instead the ZBA is charged with solely rendering its opinion on the meaning of the existing Ordinance as written. The ZBA realizes in some instances the language of the Township Ordinance has contradictory sections, and it has tried to harmonize those sections not just for this Appeal case, but for future cases until and unless the Ordinance is changed. If the Township Board desires to amend the language of the Zoning Ordinance to provide its own clarity as to its "true" intent or change the language to give it new meaning and thus in effect reverse this opinion of the ZBA on one or more points in this Opinion, it is free to do so. The ZBA has formed its opinion in this matter and performed its duties based on the existing language.

Motion By: Linda Manson-Dempsey

Seconded By: _____

YEAS: _____

NAYES: _____

ABSENT: _____

The Resolution is declared adopted May 29, 2025.

Larry Fillinger, Zoning Board Chairperson

**EXHIBIT A TO
ZBA RESOLUTION RESOLVING
APPEAL CASE NO. 02-25**

MARION TOWNSHIP

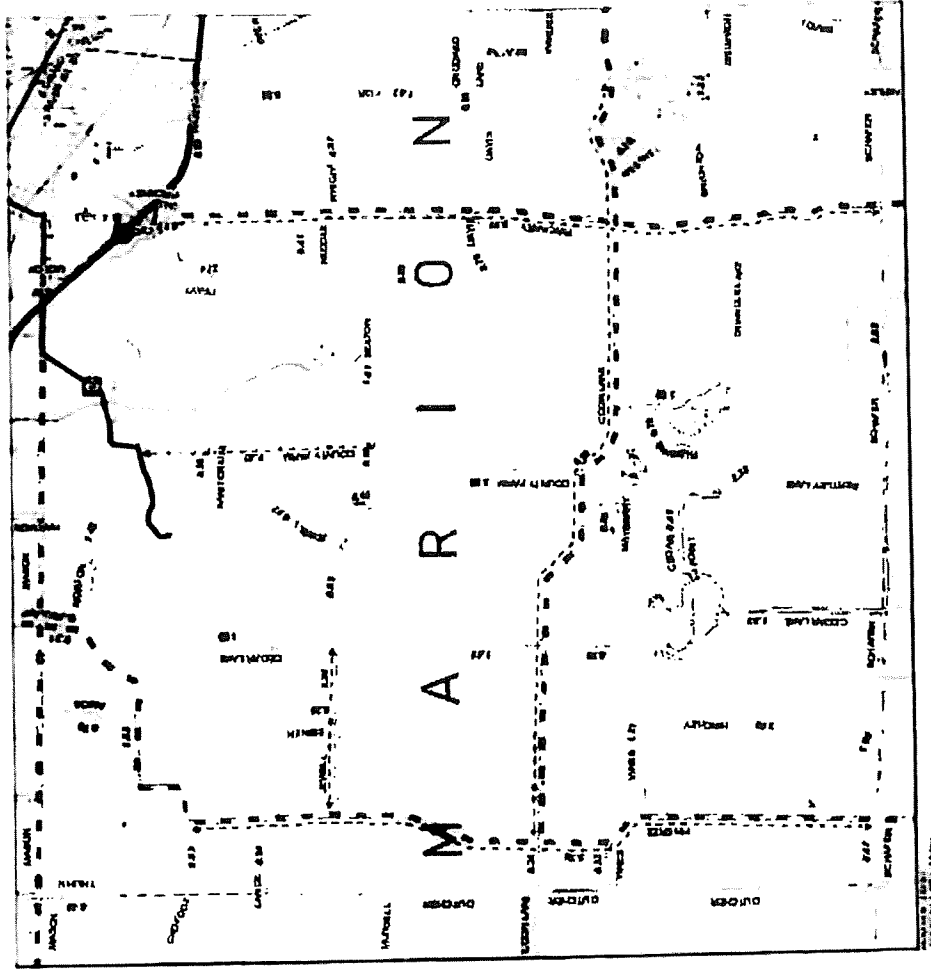
LYNCHBURG COUNTY - 47 T. 2N. R. 4E

PRIMARY ROAD SYSTEM - 4.1411 MILES
LOCAL ROAD SYSTEMS - 55.29 MILES

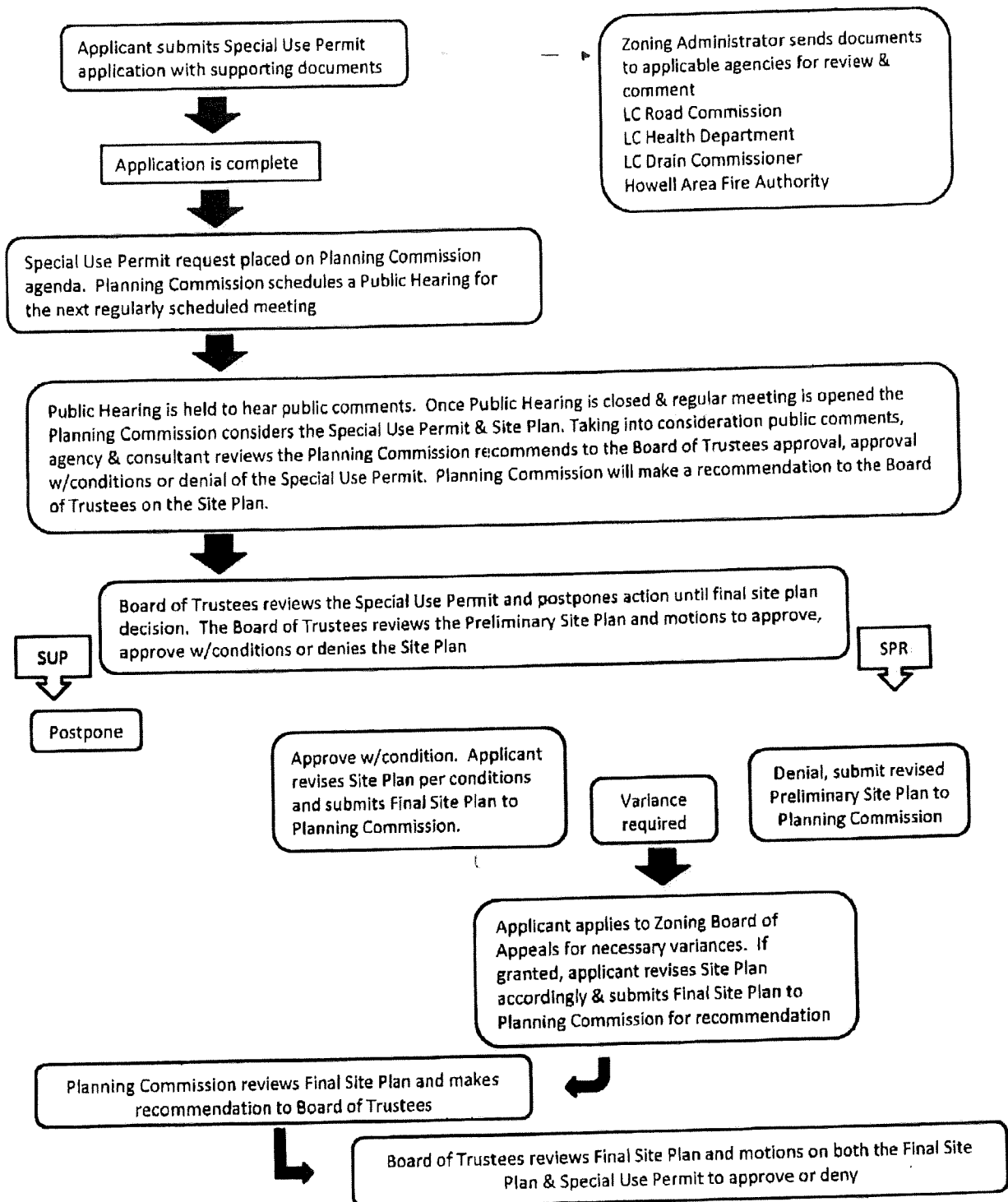
- LEGEND
- COUNTY LINE
 - CORPORATE LIMITS
 - STATE TRAILWAYS
 - COUNTY PRIMARY
 - COUNTY LOCAL
 - ADJACENT COUNTY
 - CITY OR VILLAGE
 - STREET



SCALE 0 1 MILE
1 inch equals 1.250 feet



**EXHIBIT B TO
ZBA RESOLUTION RESOLVING
APPEAL CASE NO. 02-25**



11:14 AM

06/05/25

Accrual Basis

#101 General Fund

Profit & Loss Budget vs. Actual

July 2024 through June 2025

	Jul '24 - Jun 25	Budget	\$ Over Budget	% of Budget
Income				
402-001 · PROP TAX - MARION ALLOCATION	500,135.96	500,000.00	135.96	100.0%
432-001 · ACT 451 swamp land PILT	1,296.57			
439-001 · TAX CHARGE BACKS	320.09	-2,000.00	2,320.09	-16.0%
447-001 · ADMIN FEES	181,388.31	160,000.00	21,388.31	113.4%
448-001 · SUMMER TAX COLLECT-SCHOOL&SET	0.00	16,000.00	-16,000.00	0.0%
477-001 · CHARTER (SPECTRUM)	117,702.43	115,000.00	2,702.43	102.3%
477-002 · DIRECT TV VIDEO FRANCHISE FEES	8,789.47	8,000.00	789.47	109.9%
490-001 · SPECIAL USE PERMIT	1,500.00			
491-001 · LAND USE PERMITS	8,500.00	5,000.00	3,500.00	170.0%
491-002 · LAND DIVISION APP	475.00			
491-003 · LAND COMBINATION PERMIT	75.00			
491-004 · DOG LICENSES	127.50	100.00	27.50	127.5%
574-001 · STATE REV SHARING	1,062,361.00	1,210,000.00	-147,639.00	87.8%
574-002 · STATE REV SHAR - PUBLIC SAFETY	757.00			
574-003 · LCSA DIST. / METRO PAYMENTS	375.12	10,000.00	-9,624.88	3.8%
580-001 · ACT 425- CITY OF HOWELL	7,013.05	6,000.00	1,013.05	116.9%
581-004 · Donations	0.00			
600-001 · ZBA MEETING FEES	1,600.00			
600-002 · SITE PLAN - SUP - MTG FEES	1,500.00			
600-003 · BOUNDARY LINE CHANGE	375.00			
600-004 · SPECIAL EVENT PERMITS	400.00			
665-001 · INTEREST	30,247.17	5,000.00	25,247.17	604.9%
667-001 · HALL RENTAL	3,450.00			
667-003 · AT&T CELL TOWER LEASE	29,608.61	27,000.00	2,608.61	109.7%
667-004 · VERIZON CELL TOWER LEASE-MONTH	13,383.37	14,000.00	-616.63	95.6%
671-001 · SALES & COPIES	30.00			
672-002 · INSURANCE REIMB	722.70			
676-002 · ELECTION REIMBURSEMENTS	55,664.57			
Total Income	2,027,797.92	2,074,100.00	-46,302.08	97.8%
Gross Profit	2,027,797.92	2,074,100.00	-46,302.08	97.8%
Expense				
101-000 · TOWNSHIP BOARD				
101-702 · TRUSTEES	32,365.68	42,000.00	-9,634.32	77.1%
101-704 · RECORDING SECRETARY	3,158.50	4,000.00	-841.50	79.0%
101-765 · LUNCH STIPEND	125.00	50.00	75.00	250.0%
101-791 · MTA MEMBERSHIP	0.00	9,000.00	-9,000.00	0.0%
101-805 · ORDINANCE ENFORCEMENT	364.81	25,000.00	-24,635.19	1.5%
101-860 · MILEAGE	525.00	100.00	425.00	525.0%
101-900 · PRINTING & PUB	1,941.28	3,000.00	-1,058.72	64.7%
101-910 · MEETINGS & SEMINARS	2,085.48	1,500.00	585.48	139.0%
101-933 · SOFTWARE SUPPORT	20.00			
101-955 · MISCELLANEOUS	13.99	100.00	-86.01	14.0%
Total 101-000 · TOWNSHIP BOARD	40,599.74	84,750.00	-44,150.26	47.9%
171-000 · SUPERVISOR				
171-702 · ANNUAL SALARY	61,078.04	68,000.00	-6,921.96	89.8%
171-703 · Deputy Supervisor WAGES	5,090.00	11,200.00	-6,110.00	45.4%
171-750 · SUPPLIES	180.65	500.00	-319.35	36.1%
171-765 · LUNCH STIPEND	125.00	200.00	-75.00	62.5%
171-860 · MILEAGE	251.84	400.00	-148.16	63.0%
171-910 · TRAINING AND SEMINARS	1,609.24	1,500.00	109.24	107.3%
Total 171-000 · SUPERVISOR	68,334.77	81,800.00	-13,465.23	83.5%

11:14 AM

06/05/25

Accrual Basis

#101 General Fund

Profit & Loss Budget vs. Actual

July 2024 through June 2025

	Jul '24 - Jun 25	Budget	\$ Over Budget	% of Budget
215-000 · CLERK				
215-702 · ANNUAL SALARY	67,251.67	75,000.00	-7,748.33	89.7%
215-703 · DEPUTY CLERK SALARY	43,770.97	48,000.00	-4,229.03	91.2%
215-750 · SUPPLIES	234.46	600.00	-365.54	39.1%
215-765 · LUNCH STIPEND	125.00	150.00	-25.00	83.3%
215-791 · DUES AND PUBLICATIONS	640.00	750.00	-110.00	85.3%
215-860 · MILEAGE	341.10	1,000.00	-658.90	34.1%
215-910 · TRAINING AND SEMINARS	1,883.56	3,500.00	-1,616.44	53.8%
215-955 · MISCELLANEOUS	0.00	100.00	-100.00	0.0%
Total 215-000 · CLERK	114,246.76	129,100.00	-14,853.24	88.5%
247-000 · BOARD OF REVIEW				
247-702 · SALARIES	2,168.00	2,000.00	168.00	108.4%
247-900 · PRINTING & PUBLICATIONS	217.50	500.00	-282.50	43.5%
247-910 · Training & Seminars	0.00	500.00	-500.00	0.0%
247-955 · MISCELLANEOUS	68.36	125.00	-56.64	54.7%
Total 247-000 · BOARD OF REVIEW	2,453.86	3,125.00	-671.14	78.5%
253-000 · TREASURER				
253-702 · ANNUAL SALARY	61,078.04	68,000.00	-6,921.96	89.8%
253-703 · DEPUTY TREASURER	41,933.93	45,000.00	-3,066.07	93.2%
253-704 · ASSISTANT TREAS	34,491.08	40,000.00	-5,508.92	86.2%
253-750 · SUPPLIES	230.91	1,000.00	-769.09	23.1%
253-765 · LUNCH STIPEND	175.00	400.00	-225.00	43.8%
253-791 · DUES & PUBLICATIONS	206.78	300.00	-93.22	68.9%
253-860 · MILEAGE	985.13	1,300.00	-314.87	75.8%
253-910 · TRAINING & SEMINARS	3,519.32	3,500.00	19.32	100.6%
Total 253-000 · TREASURER	142,620.19	159,500.00	-16,879.81	89.4%
257-000 · ASSESSOR				
257-702 · FIELD/PREP WORK FOR ASSESSOR	16,847.22	20,000.00	-3,152.78	84.2%
257-703 · ASSESSOR' S SALARY	67,481.71	81,000.00	-13,518.29	83.3%
257-704 · DEPUTY ASSESSOR SALARY	50,320.50	55,000.00	-4,679.50	91.5%
257-750 · SUPPLIES	126.93	1,500.00	-1,373.07	8.5%
257-765 · LUNCH STIPEND	175.00	300.00	-125.00	58.3%
257-791 · DUES & MEMBERSHIPS	955.00	1,000.00	-45.00	95.5%
257-806 · OUTSIDE CONSULTANT	0.00	450.00	-450.00	0.0%
257-851 · PREP, PRINTING & POSTAGE	4,680.74	5,000.00	-319.26	93.6%
257-860 · MILEAGE	1,503.92	2,000.00	-496.08	75.2%
257-910 · TRAINING AND SEMINARS	1,888.25	6,500.00	-4,611.75	29.1%
257-955 · MISCELLANEOUS	300.00			
Total 257-000 · ASSESSOR	144,279.27	172,750.00	-28,470.73	83.5%
260-000 · CONTINGENCY				
260-941 · CONTINGENCY	0.00	15,000.00	-15,000.00	0.0%
Total 260-000 · CONTINGENCY	0.00	15,000.00	-15,000.00	0.0%
262-000 · ELECTIONS				
262-702 · SALARY PRECINCT WORKERS	47,976.50	50,000.00	-2,023.50	96.0%
262-703 · EXTRA STAFF WORKERS	2,251.26	4,000.00	-1,748.74	56.3%
262-710 · PAYROLL SERVICES - ELEC. INSPEC	470.90	4,500.00	-4,029.10	10.5%
262-750 · SUPPLIES	6,651.12	10,000.00	-3,348.88	66.5%
262-751 · EXTRA SUPPLIES	118.93			
262-851 · POSTAGE	4,232.95	6,000.00	-1,767.05	70.5%
262-860 · MILEAGE	200.38	500.00	-299.62	40.1%
262-900 · PRINTING & PUB	2,295.50	7,500.00	-5,204.50	30.6%
262-931 · Equipment	5,704.00	7,000.00	-1,296.00	81.5%
262-955 · MISCELLANEOUS	0.00	2,000.00	-2,000.00	0.0%
262-958 · ELECTION SECURITY SUPPLIES	0.00	1,000.00	-1,000.00	0.0%
262-970 · NINE DAY EARLY VOTING EXPENSES	42.50	15,000.00	-14,957.50	0.3%
262-975 · SECURITY SUPPLIES	4,119.76			
Total 262-000 · ELECTIONS	74,063.80	107,500.00	-33,436.20	68.9%

11:14 AM

06/05/25

Accrual Basis

#101 General Fund

Profit & Loss Budget vs. Actual

July 2024 through June 2025

	Jul '24 - Jun 25	Budget	\$ Over Budget	% of Budget
263-000 · SCHOOL ELECTIONS				
263-702 · SALARIES	0.00	12,000.00	-12,000.00	0.0%
263-750 · SUPPLIES	0.00	3,000.00	-3,000.00	0.0%
263-851 · POSTAGE	0.00	5,000.00	-5,000.00	0.0%
263-860 · MILEAGE - SCHOOL ELECTION	0.00	100.00	-100.00	0.0%
Total 263-000 · SCHOOL ELECTIONS	0.00	20,100.00	-20,100.00	0.0%
264.000 · Litigation Baldwin-Attorney				
264-801 · LEGAL FEES	2,625.74	6,000.00	-3,374.26	43.8%
264.000 · Litigation Baldwin-Attorney - Other	105.93	250.00	-144.07	42.4%
Total 264.000 · Litigation Baldwin-Attorney	2,731.67	6,250.00	-3,518.33	43.7%
265.000 · Litigation Chris Smith-Attorney				
265-801 · LEGAL FEES	4,321.16	6,000.00	-1,678.84	72.0%
265.000 · Litigation Chris Smith-Attorney - Other	669.55	1,000.00	-330.45	67.0%
Total 265.000 · Litigation Chris Smith-Attorney	4,990.71	7,000.00	-2,009.29	71.3%
266-000 · ATTORNEY				
266-801 · GEN TWP ATTORNEY	10,664.98	12,000.00	-1,335.02	88.9%
266-806 · SPECIAL ATTORNEY - SOLAR	4,949.01	6,000.00	-1,050.99	82.5%
Total 266-000 · ATTORNEY	15,613.99	18,000.00	-2,386.01	86.7%
270-000 · PAYROLL				
270-704 · MISC Stipend	35,343.00	45,000.00	-9,657.00	78.5%
270-709 · EMPLOYER PAID - FICA & MEDICARE	48,189.67	70,000.00	-21,810.33	68.8%
270-718 · BCBS INVOICE - Health Premium	202,225.18	226,000.00	-23,774.82	89.5%
270-720 · BCBS EMPLOYEE Contrabution	-20,067.91	-22,000.00	1,932.09	91.2%
270-724 · HSA CARD EMPLOYEE Contribution	0.00			
270-725 · HSA CARD EMPLOYER Contribution	42,900.00	45,000.00	-2,100.00	95.3%
270-726 · HRA CARD EMPLOYER Contribution	16,500.00	20,000.00	-3,500.00	82.5%
270-727 · FLEX EMPLOYEE Dependent	0.00			
270-728 · FLEX EMPLOYEE Health	0.00			
270-729 · FLEX-LIMITED PURPOSE-EE CONTRIB	0.00			
270-731 · Garnishments	0.00			
270-800 · PAYROLL SERVICES	1,752.20	2,500.00	-747.80	70.1%
270-935 · Colonial Life Ins E4270229	-187.81			
Total 270-000 · PAYROLL	326,654.33	386,500.00	-59,845.67	84.5%
271-000 · BONDS & INSURANCE				
271-716 · EMPLOYER RETIRE. CONTRIB. D.C.	44,009.79	50,000.00	-5,990.21	88.0%
271-718 · INSURANCE/BONDS	97,042.75	100,000.00	-2,957.25	97.0%
271-000 · BONDS & INSURANCE - Other	0.00	3,000.00	-3,000.00	0.0%
Total 271-000 · BONDS & INSURANCE	141,052.54	153,000.00	-11,947.46	92.2%
272-000 · LITIGATION - THE MEADOWS NORTH				
272-801 · LEGAL FEES	1,836.13			
Total 272-000 · LITIGATION - THE MEADOWS NORTH	1,836.13			
276-000 · TOWNSHIP-GENERAL				
276-702 · SECRETARY	26,230.15	31,000.00	-4,769.85	84.6%
276-703 · CUSTODIAL	5,796.00	7,000.00	-1,204.00	82.8%
276-708 · Recording Fees	60.00	150.00	-90.00	40.0%
276-750 · SUPPLIES	5,983.75	7,500.00	-1,516.25	79.8%
276-752 · Recycle Bins	975.00	1,200.00	-225.00	81.3%
276-753 · TRASH REMOVAL	663.74	1,200.00	-536.26	55.3%
276-800 · LAWN, SNOW REMOVAL	10,945.00	11,000.00	-55.00	99.5%
276-809 · BANK CHARGES	45.27	400.00	-354.73	11.3%
276-850 · TELEPHONE	5,306.96	7,000.00	-1,693.04	75.8%
276-851 · POSTAGE	2,933.40	5,500.00	-2,566.60	53.3%
276-860 · MILEAGE	175.07	300.00	-124.93	58.4%
276-920 · UTILITIES	10,681.95	12,000.00	-1,318.05	89.0%
276-925 · Cable	926.92	1,200.00	-273.08	77.2%

11:14 AM

06/05/25

Accrual Basis

#101 General Fund

Profit & Loss Budget vs. Actual

July 2024 through June 2025

	Jul '24 - Jun 25	Budget	\$ Over Budget	% of Budget
276-926 · INTERNET SERVICES	1,019.92	3,200.00	-2,180.08	31.9%
276-930 · MAJOR REPAIRS & GEN UPKEEP	7,143.50	8,500.00	-1,356.50	84.0%
276-931 · EQUIP. MAINT/LEASE	29,239.15	32,000.00	-2,760.85	91.4%
276-934 · HALL REPAIRS	62.00	500.00	-438.00	12.4%
276-955 · MISCELLANEOUS	265.70	500.00	-234.30	53.1%
276-957 · VOID	0.00			
276-980 · TOWNSHIP EVENTS				
980.200 · LARGE ITEM COLLECTION EVENT	7,199.75			
Total 276-980 · TOWNSHIP EVENTS	7,199.75			
Total 276-000 · TOWNSHIP-GENERAL	115,653.23	130,150.00	-14,496.77	88.9%
277-000 · PROFESSIONAL FEES				
277-804 · Planner/Consultant	0.00	1,000.00	-1,000.00	0.0%
277-805 · ENGINEERING FEES	0.00	1,500.00	-1,500.00	0.0%
277-809 · AUDIT CONTRACT	11,875.00	12,000.00	-125.00	99.0%
277-810 · ACCT SERVICES	0.00	1,000.00	-1,000.00	0.0%
277-933 · SOFTWARE SUPPORT	14,838.37	25,000.00	-10,161.63	59.4%
Total 277-000 · PROFESSIONAL FEES	26,713.37	40,500.00	-13,786.63	66.0%
278-000 · TAX ROLL				
278-802 · TAX ROLL PREP & POSTAGE	9,658.15	3,500.00	6,158.15	275.9%
278-851 · POSTAGE	0.00	7,500.00	-7,500.00	0.0%
Total 278-000 · TAX ROLL	9,658.15	11,000.00	-1,341.85	87.8%
445-955 · DRAINS MAINT	0.00	10,000.00	-10,000.00	0.0%
450-000 · ROADS				
450-934 · DUST CONTROL	49,480.09	75,000.00	-25,519.91	66.0%
450-967 · ROAD MAINTENANCE	176,785.78	500,000.00	-323,214.22	35.4%
Total 450-000 · ROADS	226,265.87	575,000.00	-348,734.13	39.4%
527-000 · DRAINS				
527-931 · DRAIN MAINTENANCE	4,663.33	40,000.00	-35,336.67	11.7%
527-000 · DRAINS - Other	0.00	1,000.00	-1,000.00	0.0%
Total 527-000 · DRAINS	4,663.33	41,000.00	-36,336.67	11.4%
536-000 · PUBLIC WORKS DPT				
536-702 · SALARY	5,500.00	6,000.00	-500.00	91.7%
536-750 · SUPPLIES	0.00	100.00	-100.00	0.0%
536-852 · REIMBURSE FROM WAT/SEWER	0.00	-6,000.00	6,000.00	0.0%
536-860 · MILEAGE	0.00	25.00	-25.00	0.0%
Total 536-000 · PUBLIC WORKS DPT	5,500.00	125.00	5,375.00	4,400.0%
567-000 · CEMETERY				
567-702 · SEXTON SALARY	7,145.35	8,000.00	-854.65	89.3%
567-995 · TRANS TO CEMETERY FUND	0.00	25,000.00	-25,000.00	0.0%
Total 567-000 · CEMETERY	7,145.35	33,000.00	-25,854.65	21.7%
701-000 · PLANNING COMMISSION				
701-702 · SALARIES	8,770.25	12,000.00	-3,229.75	73.1%
701-705 · RECORDING SECRETARY	2,614.00	3,500.00	-886.00	74.7%
701-750 · SUPPLIES	0.00	100.00	-100.00	0.0%
701-801 · ATTORNEY	1,036.84	1,500.00	-463.16	69.1%
701-804 · PLANNER	4,220.00	12,000.00	-7,780.00	35.2%
701-860 · MILEAGE	16.80	50.00	-33.20	33.6%
701-900 · DUES AND PUBLICATIONS	740.50	1,250.00	-509.50	59.2%
701-910 · TRAINING FOR PLANNING COMMISSIO	842.00	1,250.00	-408.00	67.4%
Total 701-000 · PLANNING COMMISSION	18,240.39	31,650.00	-13,409.61	57.6%

11:14 AM

06/05/25

Accrual Basis

#101 General Fund

Profit & Loss Budget vs. Actual

July 2024 through June 2025

	Jul '24 - Jun 25	Budget	\$ Over Budget	% of Budget
702-000 · ZONING ADMINISTRATOR				
702-702 · SALARY	44,866.32	52,000.00	-7,133.68	86.3%
702-710 · ATTEND BOARD MEETINGS	0.00	400.00	-400.00	0.0%
702-750 · SUPPLIES	0.00	250.00	-250.00	0.0%
702-801 · ATTORNEY	141.24	500.00	-358.76	28.2%
702-860 · MILEAGE	841.95	1,400.00	-558.05	60.1%
702-910 · TRAINING AND SEMINARS	0.00	250.00	-250.00	0.0%
702-955 · MISCELLANEOUS	42.50			
Total 702-000 · ZONING ADMINISTRATOR	45,892.01	54,800.00	-8,907.99	83.7%
703-000 · ZONING BOARD OF APPEALS				
703-702 · SALARIES	2,542.00	3,500.00	-958.00	72.6%
703-703 · RECORDING SECRETARY	341.00	500.00	-159.00	68.2%
703-801 · ATTORNEY	0.00	1,000.00	-1,000.00	0.0%
703-900 · PRINTING & PUB	217.50	350.00	-132.50	62.1%
703-910 · TRAINING SEMINARS	127.00	750.00	-623.00	16.9%
Total 703-000 · ZONING BOARD OF APPEALS	3,227.50	6,100.00	-2,872.50	52.9%
751-000 · RECREATION DEPARTMENT				
751-702 · SALARY FOR REP	1,940.00	3,000.00	-1,060.00	64.7%
751-800 · HAPRA RECR CONTRACT	62,250.00	130,000.00	-67,750.00	47.9%
751-808 · MARION RECREATION				
808.1 · WALKING PATH	48,734.63			
751-808 · MARION RECREATION - Other	1,749.62	10,000.00	-8,250.38	17.5%
Total 751-808 · MARION RECREATION	50,484.25	10,000.00	40,484.25	504.8%
751-955 · OTHER	0.00	25.00	-25.00	0.0%
751-995 · TRANS TO RECREATION FUND	0.00	12,000.00	-12,000.00	0.0%
Total 751-000 · RECREATION DEPARTMENT	114,674.25	155,025.00	-40,350.75	74.0%
970-000 · BLDG IMP. CAPITAL OUTLAY				
970-974 · TWP HALL EXPANSION - COST	780.00	5,000.00	-4,220.00	15.6%
970-986 · TORNADO SIREN	850.00	1,000.00	-150.00	85.0%
970-000 · BLDG IMP. CAPITAL OUTLAY - Other	0.00	5,000.00	-5,000.00	0.0%
Total 970-000 · BLDG IMP. CAPITAL OUTLAY	1,630.00	11,000.00	-9,370.00	14.8%
971-000 · EQUIPMENT& LAND				
971-975 · FURNITURE & FIXTURES	5,342.74	3,000.00	2,342.74	178.1%
971-977 · COMPUTERS/SOFTWARE	4,377.74	6,000.00	-1,622.26	73.0%
971-979 · CITY OF HOWELL PROPERTY	18,012.56	18,000.00	12.56	100.1%
Total 971-000 · EQUIPMENT& LAND	27,733.04	27,000.00	733.04	102.7%
995-000 · TRANSFERS OUT				
995-999 · TRANS TO LAND AQUISITION FUND	0.00	25,000.00	-25,000.00	0.0%
Total 995-000 · TRANSFERS OUT	0.00	25,000.00	-25,000.00	0.0%
Total Expense	1,686,474.25	2,495,725.00	-809,250.75	67.6%
Net Income	341,323.67	-421,625.00	762,948.67	-81.0%



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RACHAEL EUBANKS
STATE TREASURER

May 30, 2025

William Fenton, Supervisor
Marion Township, Livingston County
2877 W. Coon Lake Road
Howell, MI 48843

Dear William Fenton,

Reason Consulting recently conducted an assessment roll and practices audit, as required by Public Act 660 of 2018, on behalf of the State Tax Commission in your local unit. The following is a summary of the audit findings:

Substantial Compliance Review Item	Requirement Met (Yes/No)
1. Does the local unit have properly developed and documented land value determinations?	Yes
2. Does the local unit have properly developed and documented Economic Condition Factors?	Yes
3. Does the local unit have less than 1% of parcels in override and less than 1% flat land values?	Yes
Technical Compliance Review Item	
4. Does the local unit use an STC approved computer-assisted mass appraisal system?	Yes
5. Does the local unit have and follow a policy detailing assessing office accessibility?	Yes
6. Does the local unit provide online access to assessing information?	Yes
7. Does the local unit provide contact information on notices to taxpayers?	Yes
8. Does the local unit ensure that support staff and Board of Review members are sufficiently trained?	Yes
9. Does the local unit comply to statute requirements in respect to any property tax administration fee?	Yes
10. Does the local unit conduct an annual personal property canvass?	Yes
11. Does the July and December Board of Review meetings comply with statutory authority?	Yes
12. Does the local unit have an adequate process for determining exemptions?	Yes

Technical Compliance Review Item	Requirement Met (Yes/No)
13. Does the local unit meet the requirements outlined in the STC publication "Supervising Preparation of the Assessment Roll"?	Yes
14. Does the local unit have proper Poverty Exemption guidelines, including an asset level test, and was the policy followed?	Yes
15. Has the local unit implemented CAMA Data Standards as currently adopted by the STC?	Yes

An electronic version of your PA 660 Audit with detailed comments regarding each item is available through your assessor's MiSuite portal.

Based on the findings of the audit, your local unit is given the designation of **substantially compliant**. We wish to congratulate your local unit on receiving a perfect score on the review and thank you for your cooperation throughout this process.

Sincerely,

Joycelyn Isenberg

Joycelyn Isenberg
Executive Director State Tax Commission
Michigan Department of Treasury

CITY OF HOWELL

NOTICE OF PUBLIC HEARINGS

NOTICE is hereby given that the Howell City Planning Commission will hold the following public hearing on Wednesday, June 18, 2025, at 7:00 p.m. at **City Hall 611 E. Grand River Ave., Howell MI, 48843 first floor:**

A public hearing will be held to consider an amendment to Special Land Use #19-30 to extend the working hours at 645 Lucy Road (PID: 4717-06-100-005 and 4717-06-100-007) to Monday through Friday 7a-7p and Saturday 10a-3p. The property is zoned I-2, General Industrial.

Any questions may be directed to the City of Howell Community Development Department at 517-546-3861. Any written comments/concerns can be sent to the Howell City Planning Commission, 611 E. Grand River, Howell, MI 48843 and should be received before June 18, 2025. Persons interested are welcome to attend this meeting and all interested parties will be given an opportunity to be heard.

PLANNING & ZONING ADMINISTRATOR
Kristi Troy
517-546-3861

**State of Michigan
Department of Environment, Great Lakes, and Energy**

Water Resources Division
Lansing District Office
P.O. Box 30458
Lansing, Michigan 48909-7958
517-284-6665

Site Name: 47-I-96 / MI Ave-Howell (Motorsports Gateway)
Submission Number: HQB-GJHD-95AMN
Date: May 19, 2025

PUBLIC NOTICE

Jordan Dier, 41920 Midtown Circle, Unit 206, Novi, Michigan 48375, has applied to this office for a permit under authority of Part 301, Inland Lakes and Streams; Part 303, Wetlands Protection of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). The applicant proposes the following impacts associated with the project:

The applicant proposes revisions to Permit No. WRP039680 which include relocating the previously authorized racetrack wetland crossing to a new wetland location. The revision also proposes the placement of 1774 cubic yards of fill in 0.23 acre of forested wetland for the construction of a racetrack and the installation of a 48-inch-diameter corrugated metal pipe riser connected to a 68-foot-long by 24-inch-diameter reinforced concrete pipe wetland equalization culvert. A 70-foot-long by 15-inch-diameter reinforced concrete wildlife crossing pipe, is also proposed. Restoration of 0.03 acre of emergent wetland from the previously permitted impacts will be restored to original grade and seeded with a wetland seed mix pursuant to consultation with Panhandle Eastern Pipe Line Company. Additionally, the applicant proposes to place 975 cubic yards of fill material in 0.31-acre of emergent wetland and 97 linear feet of stream. The fill material is being placed to construct a detention basin, an access drive, and a sanitary lift station for condominiums. The applicant proposes to cross the Marion-Genoa Drain via horizontal directional bore, 70 linear feet to route a 3-inch forced sanitary line 6 feet below the drain bed. Mitigation is being proposed in the form of purchasing wetland bank credits.

The work is proposed as part of the Motorsports Gateway Howell Sports project at 800 Lucy Road, Howell, Michigan. The project is located in T02N, R04E, Section 01, City of Howell, Livingston County, Michigan.

THIS NOTICE IS NOT A PERMIT

The proposed project may also be regulated by one or more additional parts of the NREPA that are administered by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD). The requirements of all applicable parts are considered in determining if a permit can be issued. When a permit application is received requesting authorization to work in or over the inland waters of the State of Michigan, pursuant Part 301, Part 303 of the NREPA, the NREPA provides that EGLE submit copies for review to the department of public health; the city, village, or township and county where the project is to be located; the local soil conservation district; and any local watershed council organized under Part 311, Local River Management, of the NREPA. Additional notification is provided to certain persons as required by statute or determined by EGLE.

Public Notice: Jordan Dier
Site Name: 47-I-96 / MI Ave-Howell (Motorsports Gateway)
Submission Number: HQB-GJHD-95AMN
Date: May 19, 2025
Page: 2

Those persons wanting to make comments on the proposed project shall furnish comments through MiEnviro no later than 20 days from the date of this notice. Comments will be made part of the record and should reference the above application number. Objections must be factual, specific, and fully describe the reasons upon which any objection is founded. Unless a written request is filed with EGLE within the 20-day public comment period, EGLE may make a decision on the application without a public hearing. The determination as to whether a permit will be issued or a public hearing held will be based on an evaluation of all relevant factors, including the public comments received and the effect of the proposed work on the public trust or interest, including navigation, fish, wildlife, and pollution. The specific permit decision criteria can be found in the parts of the NREPA applicable to this application and listed above. Copies of these parts of the NREPA are available on the public notice Web site. Public comments received will also be considered.

The entire copy of the public notice package may be viewed at the WRD's district office listed on the top of this public notice or online at:

<https://mienviro.michigan.gov/ncore/external/publicnotice/search>. To access the public notice page online, search for the public notice by location or applicant name, and view by clicking on the "Documents" tab. Comments should be sent electronically by clicking on the "Add Comment" tab. When inputting your comment please do not add any personal identification information (PII) concerning yourself or any other individual, into the comment box, including but not limited to email or telephone number. A hard copy of the public notice may be requested by calling the above number.

cc:

Jordan Dier, Applicant
Ashlie Uhelski, DNR, Wildlife Division
Sara Thomas, DNR, Fisheries Division
Livingston County Clerk
City of Howell Clerk
Livingston County Drain Commissioner
Livingston County Health Department
Livingston County Conservation District
Livingston County CEA

Jared Kime, Atwell
Chris Kunkle, Atwell
Don Berninger, Atwell
Adjoining Property Owners, See File
Local Postmaster



2911 Dorr Road
Brighton, MI 48116
810.227.5225
810.227.3420 fax
genoa.org

May 19, 2025

MARION TOWNSHIP
2877 W COON LAKE ROAD
HOWELL, MI 48843

**RE: Notice of Intent to Plan
Genoa Township**

To Whom It May Concern:

Pursuant to the requirements of Section 125.3839 (2) of the Michigan Planning Enabling Act, this notification is to inform you of the Genoa Township's intent to update the Township's Master Plan and Recreation Plan. As required by the Michigan Planning Enabling Act, a copy of the draft Plan will be made available to you for your review and comment in advance of the Township's public hearing.

We welcome you to follow the progress of the plan update on the Genoa Township Webpage: www.genoa.org

Genoa Township intends to provide further information on the Plan through electronic mail, as permitted through the state statute referenced above. If you would like to receive any future notices regarding the Genoa Township Master Plan Update process through first class mail delivery, please e-mail your request to Amy Ruthig, Planning Director at amy@genoa.org.

Please feel free to contact the Township's Planning Department at 810-227-5225 if you have any questions. We look forward to your input as we prepare this update to the Township's Master Plan.

Sincerely,

GENOA TOWNSHIP PLANNING COMMISSION


Amy Ruthig
Planning Director

SUPERVISOR

Kevin Spicher

CLERK

Janene Deaton

TREASURER

Robin L. Hunt

TRUSTEES

Rick Soucy

Bill Reiber

Candie Hovarter

Todd Walker

MANAGER

Kelly VanMarter



Crown Castle
2000 Corporate Drive
Canonsburg, PA 15317

May 22, 2025

TOWNSHIP OF MARION - MI
2877 W COON LAKE RD
HOWELL, MI 48843

Reference: **Site Name:** MARION TOWNSHIP
 Site Address: 2861 WEST COON LAKE ROAD
 HOWELL, MI 48843
 BU Number: 843372

Dear Landowner:

CCATT LLC, a Crown Castle entity, values the relationship that we have with you. As such, we wanted to inform you that a new sublease agreement with communication customer License #1027270 at the above referenced site commenced on April 1, 2025.

This new sublease results in monthly revenue share of \$750.00 beginning with the June 1, 2025 payment.

Should you have any questions regarding this matter, please contact our Landowner's Help Desk. They can be reached at 1-866-482-8890 or real.estate@crowncastle.com

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Galupi', with a stylized flourish at the end.

Michael Galupi
Manager, Property Management Operations
JE